1: Gifford E-4,5 (1920-1921) 1929 OU9 Tonga OU9

The inequalities of rank are regarded not as the result of rule imposed by conquerors, but as the result of rules of primogeniture within the family and of differences in ability of chiefs. As one informant put it, "Some men possessed ability to rule and became rulers. The strong man became king, the wise man became the matapule, the weakling became the commoner." No doubt this statement is a rationalization, but the belief in community of origin of the three social classes is prevalent in Tonga to-day. If the country was ever overrun by conquering immigrants, all memory of their coming has been effaced. There is, however, ample evidence to show a continual dribbling into the country of people from surrounding islands.

There is probably less attachment of commoners to their chiefly relatives to-day than there was in the past. In fact, with the absence of internecine warfare and with the freedom bestowed by constitutional government, the people may move about with greater liberty and need not adhere closely to their related overlords. However, there is still a strong attachment to the chiefs and to the land and even with the present system of leasing land the tendency is for a family to remain attached to the soil, the tract which a father leased being likewise leased by one of his sons.

To understand the system of apparent servitude which prevailed in Tonga, three features of family relationships should be kept in mind: (a) the superior rank of sisters; (b) the superior rank of older siblings; and (c) the *fahu* idea. To the demands of the *fahu* of a great chief, that chief and his dependants were obliged to accede. Thus all of the descendants of the Tui Kanokupolu Tukuaho are *fahu* to the Haa Ngata Motua chiefs and to the commoners of that lineage. In other words the whole of the district of Hihifo, Tongatabu, is obliged to yield its best to the great *fahu* of the chiefs of the district, who here is the Prince Consort Tungi.

INDICATIONS OF RANK

The relative rank of individuals is visualized in seating arrangements, particularly in the kava circle, but also in the house, both at meal times and on other occasions.

The head of the household, the family patriarch, called *ulu oe kainga* (*ulu*, head; *oe*, of; *kainga*, related) was accustomed to sit midway between the two house posts (fig. 2, *a*), at the end which he used as a sleeping chamber, facing the opposite end. This position was called *matuloki*. All other sitting places were called *lotofale* (inside house). If the head of the house ranked all his guests, he maintained his position. His highest ranking guest sat at his right hand and the next in rank at *c*. The positions *a*, *b*, *c*, were reserved for chiefs. Matapules would sit at the other end of the house, *d*. Commoners would not dare to sit in the house. If the guest should

1: Gifford E-4,5 (1920-1921) 1929 OU9 Tonga OU9

LAND OWNERSHIP

Regarding the ancient systems of land tenure in Tonga, Alexander (1) writes;

On passing from the three other western groups [New Zealand, Samoa, Fiji] to Tonga, we find a remarkable and striking change in political institutions, in land tenure, and in social customs. In a word, we are politically, though not geographically, in eastern Polynesia. We find no organized village communities or clans, holding lands in common, but a fully developed feudal system, and a strong centralized government. The patriarchal head of the clan has become a landlord, and the clansmen, bound to their chief by the tie of blood relationship, have become his tenants and subjects. From Rev. L. Fison we learn that the nation was divided into four main tribes, two of which were further subdivided into subtribes.

From the Rev. Thos. West we learn that "the lands were held in fief." The great landlords held them by hereditary right, but subject to the king, and they in turn subdivided them among their kinsmen and followers. It was on the great chiefs that the king depended for military support, which they willingly rendered him, as the title by which they retained their possessions. Through them also the king received a general tribute from the people. The chiefs, also in the order, claimed the service or property of their tenants. The lowest order was ground down and oppressed by that above it. The "Tuas" could not call anything they had their own. The great chiefs could seize on whatever took their fancy. Besides, the king or his representatives could assess labor upon the whole community whenever he pleased. The chiefs also claimed a share of all the fish taken by their tenants. The most servile homage was rendered to them as in the Society and Hawaiian islands. On a father's death his property descended to his children. On the mother's death her property remained with her husband and children, not excepting her *dower* land, which did not revert to her own kindred as in the other western groups, where Tribal tenure prevailed.

Cook (19, vol. 1, p. 412) says:

The orders, or classes, amongst their Chiefs, or those who call themselves such, seemed to be almost as numerous as amongst us; but there are few, in comparison, that are lords of large districts of territory; the rest holding their lands under those principal barons, as they may be called. I was, indeed, told, that when a man of property dies, everything he leaves behind him falls to the king; but that it is usual to give it to the eldest son of the deceased, with an obligation to make a provision, out of it, for the rest of the children. It is not the custom here, as at Otaheite, for the son, the moment he is born, to take from the father the homage and title; but he succeeds to them, at his decease; so that their form of government is not only monarchical, but hereditary.

MODERN LANDED NOBLES

Thomson (54, pp. 230, 231) has the following to say concerning land tenure:

Chief among the purely Tongan enactments of the new code were the land laws. In former times the soil of Tonga was vested in the Tui Tonga—the spiritual chief. The great nobles and small cultivators held their lands from him, and he had theoretically the right to dispossess them at will. When the office of Tui Tonga became vacant, and the title was absorbed by the present king, the people readily adopted the idea that all the land was vested in the Crown, who had the power to grant holdings in return for taxes. But in 1888, Mr. Baker, acting either under pressure from the chiefs, or spontaneously wishing

1: Gifford E-4,5 (1920-1921) 1929 009 Tonga 009

to create a landed aristocracy, foolishly caused the king to grant large estates, which he called "inheritances," to a number of hereditary lords, who were to receive from the tenants a rental of $1 per annum for each holding of about eight acres. In dealing with the land I could not hope to rid myself of these superfluous landlords, but I could, without evoking dangerous opposition, deprive them of all power over their estates. I determined to make the Crown collect their rents and pay it over to them, while reserving to itself all rights of granting allotments and evicting tenants. Thus for all practical purposes the land still belonged to the State; for so long as the rents were paid to the lords of the manor, the Government was virtually the landlord, and the king had voluntarily made over to the Treasury all rents due upon the lands not included within any "inheritance."

The following is the list of "hereditary" lands (*tofia*) granted, not in 1888, but on October 24, 1882, and increased by George II on August 24, 1894. These seem to include the ancient seats of the chiefs involved. In other words, George I merely confirmed the great chiefs in the holding of their forefathers' fiefs. For example, Fonoifua Island anciently belonged to a Tui Afitu (26, p. 68), on whom it was bestowed by his wife, a Female Tui Tonga; Tungua Island anciently belonged to Tui Haa Teiho. Through a list published by the Tongan Government on March 3, 1919, Queen Charlotte again confirmed the holders of "hereditary" lands in their fiefs. Figure 4 shows the hereditary lands (*tofia*) of the island of Tongatabu.

1. Tungi. From Mua following the road (or trench) straight to the weather shore in the northern part of Hahake. Havelu, Fatumu, Lavengatonga, and Haatakalaua belong to this estate, and Fuaamotu, Kaiavale, Haatui, Navutoka (which Malupo gave up), and Toi. All are in Tongatabu Island.
2. Kalanivalu (Fakaua). Lapaha, Hamula, and Toloa are included, but not Hoi, Nukuleka, and Haameneuli. All in Tongatabu. Pangia is now the holder.
3. Fatafehi, the Tui Pelehake. Pelehake in Tongatabu, Haatalafale in Haapai, and Haatalafale in Vavau.
4. Nuku. Kolonga, Poha, and Kotongo, all in Tongatabu Island.
5. Niukapu. Fangaleounga, Foa Island, Haapai.
6. Maafu. The inland side of the road to Tokomololo, and Vaini, Tongatabu Island.
7. Lavaka. Fualu and Pea, Tongatabu Island.
8. Fielakepa. Havelu, Tongatabu Island.
9. Ata. Kolovai, Tongatabu Island; Atata Island.
10. Veehala. Fahefa, Tongatabu Island, and Pangai, Eua Island.
11. George Ulukalala. Hihifo, Vavau Island.
12. Tui Haa Teiho. Tungua and Matuku islands, Haapai; Haateiho, Tongatabu Island; Haateiho, Uiha Island, Haapai; Haateiho, Vavau Island.
13. Tui Haa Ngana. Haano, Pukotala, and Muitoa, Haano Island, Haapai.
14. Malupo. Uiha, Uiha Island, Haapai; Takaamoatoa and Teleki, Vavau Island.
15. Fotofili. Alele and the western side of the road in Angaha; and Ahau, Palau, and Haahoko, Niuafoou Island.
16. Maatu. Vaipoa and Hihifo, Niuatoputapu Island; but Falehau and Matavai, Niuatoputapu Island, and Tafahi Island, are not included.
17. Luani. Nakolo, Malapo, and Fetoa in Tongatabu; Teñsi, Vavau Island.
18. Tui Lakepa. Talasiu, Tongatabu Island; Ofu and Olosa islands, Vavau group; and Vasivasi, Hunga Island, Vavau group.
19. Tui Afitu. Makave, Vavau Island; Holopeka, Lifuka Island, Haapai; and Fonoifua Island, Haapai.
20. Vaea. Houma, Tongatabu Island.

13: Beaglehole & Beaglehole E-5 (1938-1939) 1941
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no opportunity therefore, to obtain any close or intimate knowledge of any non-Tongan domestic economy, domestic morals, domestic manners, or domestic relations. What slight knowledge there may be on these topics among the village women is derived almost entirely from Convent schooling or gossip. From this viewpoint our own stay in the village might possibly have added something to the culture of the more observant or curious of the village women.

Economic Life

CONTROL OF LAND

All land in Tonga is ultimately owned and controlled by the Crown. Functionally it is divided into three groups: Government estates, the estates of nobles, and the Royal estates (including those of the Queen and Crown Prince). Of the thirty-nine estates into which Vava'u is divided, seventeen are Government, sixteen are noble, five are Royal and one is the estate of the Crown Prince. Again in theory, each adult Tongan male above the age of sixteen years is entitled to an allotment of 8¼ acres of land from the Government estate for which he pays taxes at the rate of eight shillings per year. Land is not sold to anyone. Applications for the leasing of land are made to the Minister of Lands. Land from the Royal estate or from that of a noble may be acquired by lease and may be inherited in either the male or female line provided the rent of eight shillings per year continues to be paid.

Pangaimotu (the island of Pangai) is Royal estate. Within the limits of Pangai village, the residential sections are nearly all controlled by named households. The bush lands on the islands are divided into sections called *api uta*, more briefly *api* (see Fig. 1), which range in size from eight or nine to sixteen or twenty acres. Each of these bush *api* is leased for the usual rental of eight shillings. As long as the rental is paid, the lessee has full control of his *api* and full right to produce what he pleases thereon. Should the rent, however, be in arrears for three years in succession, the land may be allotted to another individual.

13: Beaglehole & Beaglehole E-5 (1938-1939) 1941
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423 There is a certain measure of inequality among the villagers in regard to leased *api*. Thus thirty-six men are
427 each lessees of one *api* of the smaller size. Six men are each
428 lessees of one big *api*; three men each rent two *api*; one man rents three *api*. The number of *api* that a man may rent depends somewhat on the vagaries of inheritance. This may be shown by the case of Biukala who controls three *api* on Pangaimotu and one in Tongatapu. In August, 1939, Biukala rented the last free *api* on Pangaimotu. He also controls the *api* of his dead father which in turn passed to his mother who now lives in Nukualofa. Thirdly he controls the *api* of his mother's mother (her husband is also dead). A fourth *api* in Tongatapu Biukala has inherited from his deceased father who was a Tongatapu man. Biukala pays rent each year for all four *api*. When his mother or his grandmother dies, Biukala may decide either to control their *api* exclusively for his own advantage or else arrange for a
[425] close relative to use the land. He could also, if he wished,
[651] relinquish the land by defaulting on his taxes.

423 It is obvious from this that as long as a young man
427 wishes to remain in the village of Pangai, he cannot necessarily look forward to controlling by lease an *api* on the island of Pangai. Thus, according to Biukala, the male children of a man who rents but one *api* have now no hope of renting *api* for themselves on Pangai island. When they reach adulthood, they will either have to make arrangements to share the produce from an *api* controlled by another or else seek land away from their home village. Biukala
[311] estimates that one *api*, properly cultivated, could produce
[241] ample food for at least twenty cultivators and their households, although with this type of relatively intensive cultivation the amount of copra obtained from the land would become negligible.

423 The location of the plantations traditionally associated with residents of Pangai village is given by the numbers in Figure 1.[A] Of the 81 plantations surrounding Pangai, 58 are controlled by present residents of the village (44 by Pangai men, 5 by Pangai women, 1 being associated with the village school and 1 with the Free Wesleyan Church), 30 by past residents of the village. Of this last number, 13 are now resident in Neiafu, 13 in other nearby villages of Vava'u,

[A] [See category 116, p. 6--Analyst]

and 2 in Tongatapu. Those in Tongatapu do not cultivate their plantations but retain control of them as long as rent is paid. They presumably continue to pay rent because they at some time hope to return to Pangai to live. The 26 other non-Pangai residents were either at one time resident in the village or have inherited plantations from relatives. They are generally cultivating their plantations or else are using them for the production of copra.

The grouping of the numbers in Figure 1[A] generally follows the topography of the island. Where the numbers are close together, the land is flat, fertile and easily cultivated. Where the numbers are widely separated as at the left of the map, the land is rocky or broken or infertile. To the right of the map where there are no numbers on the island, the land is controlled by the village of Utulei.

Although Pangaimotu is Royal estate no tribute is now paid by the villagers to the Queen in the way of a first-fruits offering. When the Queen comes to Neiafu on a visit, or should she at any time pay a visit to the village, special gifts of fine mats, bark cloth, pigs and food, are made to her by the people of Pangai. On a visit to Vava'u the people would honour the Queen in this fashion. The people occupying the lands of a Royal estate, however, would expect to make gifts greater in quantity and value than the general populace.

The modern pattern of the villager's control over a small acreage of land through annual payment of land tax may superficially appear to represent a great change in aboriginal patterns of land ownership. Closer study, however, suggests that changes have not been great. The aboriginal commoner was a tenant farmer, working land granted to him by a feudal chief, paying to this chief a "rent" in produce, liable in theory to be dispossessed of his "rented" land at the will of his chief. Today, the ultimate owner of all land in the Kingdom is the Tongan government which has made land grants to Royalty and nobles. Land taxes are paid to the government representative. The Crown passes on these rents to the noble concerned if they come from his estate and keeps them for government use if the land is Crown property. The villager therefore no more owns his land today than he did in aboriginal times. A

A. [See category 116, p. 6--Analyst]

13: Beaglehole & Beaglehole E-5 (1938-1939) 1941
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423 651 427 178 former produce " rent " or tribute is now paid in tax money. Present day security of occupancy is probably for many Tongan commoners greater than formerly when the will or caprice of a high official was the only fiat that counted. But in general, the villager has the same type of occupancy-status claim to his land and its produce as he had under the old system of Tongan land ownership and feudal control.

Division of Labour

462 [621] As with all other peoples, the villager organizes according to a fairly definite pattern in order to get various types of work done. There is a major division of labour within the village on the basis of sex. This division is outlined in Table 1.

Table 1.—Division of Labour

Work of Men	Work of Women
Cultivation: preparation of land, planting, hoeing, harvesting.	Cultivation and copra-making (when help is needed).
Bringing food, firewood, copra from bush to village.	House-cleaning, clothes washing, sewing, care of children.
Collecting, husking coconuts, copra-making.	Coconut oil making, preparation of cigarette wrapping leaf.
Feeding animals, butchering, preparation of ovens.	Preparation of food for ovens, cooking.
House-building, thatching.	*Kava* making.
Canoe building.	Bark cloth manufacture.
Sea fishing, reef fishing by spearing, netting.	Plaiting of fine mats, baskets, fans, roof mats, wall screens.
Care of dead bodies, undertaking.	Reef fishing, collecting of shell fish, seaweeds, edible reef creatures.
Leadership in religious activities.	Collecting stones for ornamenting graves.
Experts in bone-setting, medicines.	Preparation of medicines; giving medical advice.

Men are generally responsible for agricultural activities, women for domestic duties in the household, including mat-making, bark cloth making, and *kava*-making. Men carry on the more arduous types of fishing, while women confine themselves to fishing over the shallow waters of the reefs. Men prepare the ovens for cooking, women generally prepare the food that goes into the ovens. Care of dead bodies and leadership in religious activities are left to the men, while both men and women participate in native medical practices.

13: Beaglehole & Beaglehole E-5 (1938-1939) 1941
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family. He has an *api* of about ten acres, part of which he uses for gardening, part for the growing of coconuts and bananas. His income from the sale of copra and bananas is about £10 a year. His fixed expenditures for twelve months were:

Government rent for *api*		8s 0d
Government poll-tax		£1 16s 0d
Church contributions		£2 0s 0d
	Total	£4 4s 0d

This leaves Sesoni about £6 a year for expenditures on clothing, kerosene, soap, matches, tobacco, and extra foods for his household. The money buys very little of these extra items. But Sesoni seems to get along well enough.

A second record is that of Biukala. His household consists of four adults and five children. His is a higher standard of living because of the fact that he has come to control by inheritance and immediate renting three *api* in Pangai and one *api* in Tongatapu and has had some initiative in growing vegetables for sale to the Europeans in Neiafu. He is a young man, a graduate from the government college in Nukualofa, with definite ideas of raising his status and that of his children. In this he is a-typical. In other words, he is not the easy-going villager. He is a man with a mission in life. His budget, therefore, is not typical of the other villagers. It may be given in detail, however, to show by contrast what a high standard of living is for a Pangai household.

TABLE 8.—INCOME AND EXPENDITURE
7 months (June-December, 1938)

Income	£	s	d	Expenditure	£	s	d
Sale of copra	6	3	0	Poll-taxes	1	8	0
Sale of garden produce	10	19	6	*Api* rents	1	0	0
Sale of tobacco leaf	3	8	6	Church gifts	3	8	0
Sale of pigs	1	17	0	Son's birthday feast	3	7	6
				Food, seeds, clothing	2	19	3
				Christmas gift to mother	5	0	0
Total	£22	8	0	Total	£17	2	9

Cash balance £5 5 3

13: Beaglehole & Beaglehole E-5 (1938-1939) 1941
OU9 Tonga OU9
Vavau
Pangai

434 511 592 [651] [429] [794] Some further notes may be added concerning Biukala's expenditure. His poll-tax payments include his own as well as those of a man from the island of Uvea who has taken up residence in his household and who assists in turn with gardening and copra making. The rents are for three *api* in Pangai and a fourth in Tongatapu. Church gifts include the quarterly offering of 6/-, together with a special missionary offering of £2 0s 0d and the gift to the church of a can of kerosene. Biukala, obviously, is a very strong functioning member of the church. For the first birthday [527] of his only son to whom Biukala is greatly attached, the father made a large feast. Besides large quantities of Tongan food (including an additional pig which had to be purchased), Biukala bought from the store such foods as flour, sugar, fish, spices (his wife has learned to bake cakes), melons, canned milk. He also bought as a birthday-gift for his son a fathom of piece goods to make a *vala* for the infant. This birthday-feast in consequence, is remembered as one of the really big village functions of the year. The [432] other store expenditures of these months include the usual soap, kerosene, flour, sugar, canned meat, canned fish, and piece-goods for *vala* as well as seeds for his garden. [431] Biukala's mother lives on a town-lot in Nukualofa. Here money economy is much more important than in Pangai, and his substantial gift was doubtless of great value to the mother.

434 439 It is not possible to estimate with any accuracy the total income of Pangai village as a whole. Money is obtained principally from the sale of copra, bananas, and pineapples, and from services. Of these sources, copra sales are highest on the list, sale of bananas second, the sale of pineapples and services (stevedoring for one or two men, occasional work in a store), far below the others. Some few men in the village make a point of being vitally interested in banana exportation. Each of these men tries to prepare from eight to ten cases of bananas for export about five or six times each year. He receives from three to five shillings per case, depending on market price. About five other men in the village occasionally export one case of bananas each. Thus, under the most favourable conditions, each man in the first group may add perhaps £10 to his yearly income and each

20: Gifford E-5 (1920-1921) 1924 OU9 Tonga OU9

new religion has resulted in the development of a numerous native clergy who vie with the chiefs in the amount of influence they wield. It seems unlikely that the ancient heathen priesthood was anywhere near so powerful a social factor as the modern clergy. The police, too, constitute a new factor in Tongan society.

Although the power of the chiefs is much diminished, nevertheless Tongan written law recognises their superior status. A commoner may not appear before a chief of rank without wearing a ragged mat about his waist. The situation has been somewhat ameliorated in recent years by making a belt a legal substitute for the ragged mat. In travelling with the Governor of Haapai, I noted that all individuals, even chiefs of rank, wore ragged mats in his presence, for he was the viceroy of the Queen and as such entitled to the respect of all, no matter how exalted their station.

Umbrellas must be lowered and neither turbans nor lime worn on the head in the presence of chiefs. I knew of one chief who horse-whipped two young men for smoking cigarettes as they passed his house. This is obviously a new form of disrespect resulting from the introduction of tobacco. Commoners on horseback dismount in passing a chief on foot. Anciently commoners are said to have crouched by the roadside while a chief was passing. No one rides in front of the queen's palace; he leads his horse. As automobiles become commoner among the Tongans it will be of interest to see what scheme is adopted for showing proper reverence for chiefly blood. The freedom which chiefs formerly showed with regard to the young women among their dependents seems to have waned very appreciably. Lastly, I have heard it whispered that chiefs are never brought to book in the modern courts of law.

Formerly, under the old feudal tenure of Tonga, people furnished produce to their chiefs or landlords, more especially first fruits and the first catch of certain fishes. To-day, although these may be voluntarily furnished, the chief obligation of the tenant is to pay his annual rental (one dollar a year for eight and one-quarter acres) to his landlord. In many cases the landlord is now the government, the lands formerly held by the Tui Kanokupolu having been turned over to the government and a salary accepted by the Tui Kanokupolu, as monarch, in lieu of rentals.

21: Simkin U-5 (no date) 1945 OU9 Tonga OU9

Allotments are granted as one of three types of life leases. The usual one is eight and a quarter acres of bush land at the low rent of eight shillings a year, together with a free building site in a village. Applicants may also be offered the choice of twelve and three-eighths acres of bush land, without a town site, but at the reduced rental of four shillings. It was hoped that this alternative would tempt people to move from congested areas, but so far little advantage has been taken of it. The third system is very recent, and permits nobles, subject to Cabinet approval, to grant people on their estates holdings of fifteen acres, made up of the usual tax allotment plus five acres at a nominal rent. So far only one estate has used this system. It is rather surprising, and perhaps disturbing, to find that there is a fairly large and growing number of taxpayers who have not applied for an allotment, either because they prefer to wait for their fathers' holdings, or because they have found employment in other occupations than farming.

No man can hold two allotments although Cabinet may agree to his holding extra land. To retain his holding he has not only to pay rent and taxes, but also to comply with the planting regulations which require all farms to have at least two hundred properly spaced coconut trees growing within the first year of occupation, as well as sufficient food crops for the support of the tenant's family. The Department of Agriculture, working through the town officers, both assists and compels tenants to fulfil these obligations. Here is a system of tenure which recognises the importance of land as a community asset, removes it from the dangers of soil mining and commercial speculation, makes it available on easy and uniform terms, and recognises that good husbandry is more important than high rents. Economic democracy and social security are its natural consequences. Every commoner can obtain the same amount of land as his fellows and on the same terms. His allotment is sufficient to provide him and his dependants with food and with most of the other requirements of the Tongan standard of living. He need never fear unemployment, want, exploitation, debt or loss of independence. In all normal circumstances his economic welfare depends upon his own efforts.

Government and Administration

Political democracy is much less developed. Supreme executive authority rests with the Privy Council over which the Queen presides, and to which she appoints all the Tongan members. The only European

31: Nayacakalou E-4,5 (1957-1958) 1959
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In terms of the traditional social and political organisation, all land in Tonga belonged to the sacred Tui Tonga. After the familiar feudal fashion (for traditional Tongan society was a "fully developed feudal system"[4]), there were chiefs who were "lords of large districts of territory"[5] and who held their lands from the king in return for taxes and military service. These "principal barons, as they may be called"[6] sublet their holdings to their lesser kinsmen and followers, and everyone held land from his superior in a pattern similar to that between the king himself and his barons. Gifford quotes W. D. Alexander in this connection as follows:[7]

> From the Rev. Thos. West we learn that "the lands were held in fief." The great landlords held them by hereditary right, but subject to the king, and they in turn subdivided them among their kinsmen and followers. It was on the great chiefs that the king depended for military support, which they willingly rendered him, as the title by which they retained their possessions. Through them also the king received a general tribute from the people. The chiefs, also in the order, claimed the service or property of their tenants. The lowest order was ground down and oppressed by that above it. The "Tuas" could not call anything their own. The great chiefs could seize on whatever took their fancy. Besides, the king or his representatives could assess labor upon the whole community whenever he pleased. The chiefs also claimed a share of all the fish taken by their tenants. The most servile homage was rendered to them as in the Society and Hawaiian Islands. On a father's death his property descended to his children. On the mother's death her property remained with her husband and children, not excepting her *dower* land, which did not revert to her own kindred as in the other western groups, where tribal tenure prevailed.

This passage needs some elaboration to be entirely clear, for it is closely associated with the lineage organisation of Tonga. The Tongan lineage, known as the *ha'a*, was based upon patrilineal descent, but depended upon the existence of a powerful chief (i.e., an eldest son in a line of eldest sons) at its head to preserve it. With the political vicissitudes of these chiefs, however, their lineages waxed and waned, and at times the weak ones were absorbed by the stronger ones so that *structurally* drastic realignments would occur. The Tongan *ha'a* was therefore not a pure lineage in the classical sense, but a political association of people around a lineage core under a powerful chief. This clarifies Alexander's reference to "kinsmen and followers", for a lineage contained both; and to "the great landlords", who were the heads of these lineages.

What was the role of such a lineage organisation in land tenure? Referring to the present, Gifford says that "the lands of each lineage in Tongatabu tend to form a compact area"[8] and refers to a map which

[4] Alexander 1888, quoted in Gifford 1929:171.
[5] Cook 1784a:412, quoted in Gifford 1929:171.
[6] loc. cit.
[7] Alexander 1888, quoted in Gifford 1929:171.
[8] Gifford 1929:33.

[TEXT CONTINUED ON PAGE 97]

31: Nayacakalou E-4,5 (1957-1958) 1959
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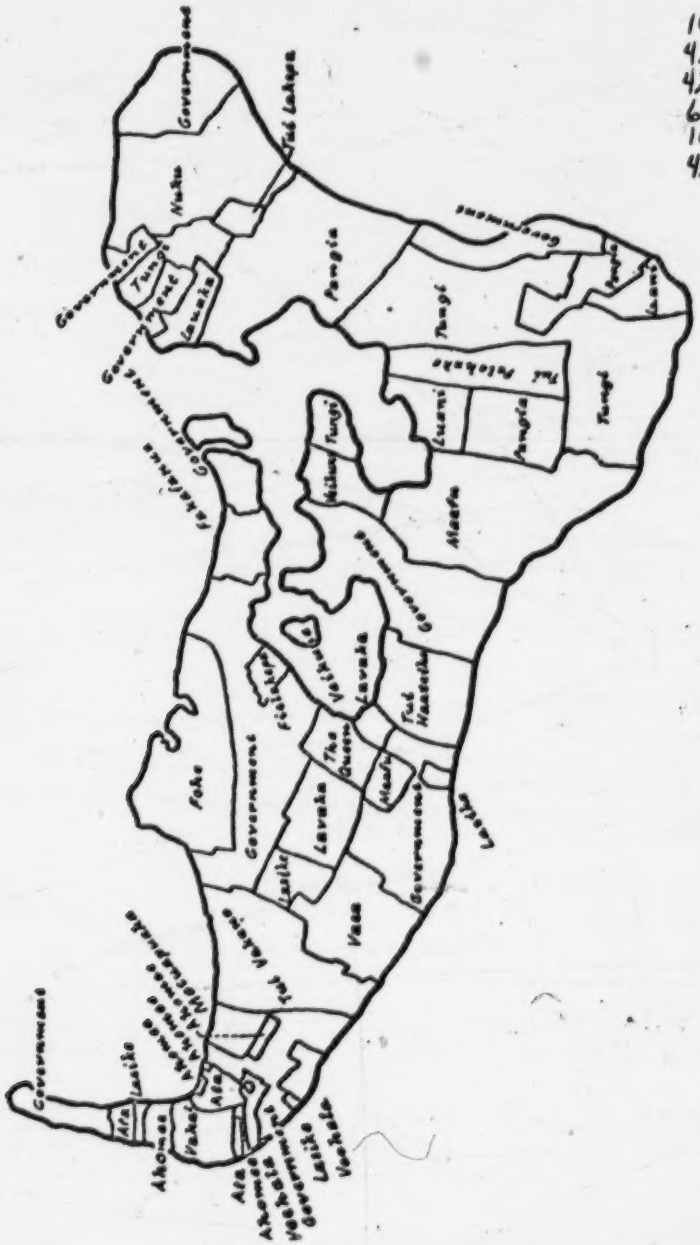

Fig. 1
(after Gifford 1929)

31: Nayacakalou E-4,5 (1957-1958) 1959
OU9 Tonga OU9

illustrates this. But the map concerned is a map of *tofia* or the estates of the modern landed nobles (see fig. 1), so that one is led to the impression that the noble who holds such a *tofia* and the people who rent land from it belong to the same *ha'a*. Thus there appears to have been a broad relationship between the lineage organisation and the holding of land. But there was certainly nothing in it which took precedence over the relationship between the king and his "barons", for the land was clearly held by them from him at his will, not by the lineages themselves. The tenants within the lineages, for their turn, held their lands from their landlords as feudal subjects bound directly to them, not as members of social groups.

This leads us to postulate that the landlords granted land to their subjects as individual tenants, and that therefore there was no form of communal ownership in the current acceptation of the term.[9] If this is accepted, then it would appear a mistake to imagine that in Tongan land tenure a bold line towards economic individualism has been taken in respect of land policy in the Pacific, for holdings were always in terms of individuals. But while there was individual holding, there was certainly no individual ownership in the sense in which it is generally understood today, for absolute ownership was the prerogative of the king, all others having only the usufruct of the lands assigned to them.

Viewed in this way, the traditional land tenure system of Tonga is fairly well preserved in the codified land law of today. While the modern land law has contributed sharper definitions of the major concepts involved in the system, it introduced few changes, and most of these are not really at variance in any fundamental sense with the system as it traditionally operated. Indeed the source of the most significant changes is well summarised in a passage by Basil Thompson:[10]

> Chief among the purely Tongan enactments of the new code were the land laws. In former times the soil of Tonga was vested in the Tui Tonga—the spiritual chief. The great nobles and small cultivators held their lands from him, and he had theoretically the right to dispossess them at will. When the office of Tui Tonga became vacant, and the title was absorbed by the present king, the people readily adopted the idea that all the land was vested in the Crown, who had the power to grant holdings in return for taxes. But in 1888, Mr. Baker, wishing to create a landed aristocracy, foolishly caused the king to grant large estates, which he called "inheritances" to a number of hereditary lords, who were to receive from the tenants a rental of $1

[9] This may appear an extravagant claim, particularly in view of the statement that "on a father's death his property descended to his children", which may be interpreted to imply group holding. Strictly speaking I am unable to refute such an interpretation from the literature; the quotation makes no reference to what happens in the next generation; and Alexander's article itself is not at present obtainable in the main London libraries. But I would suggest that the whole tone of the passage suggests individual holding, referring as it does to subdivision and to tenants. Also, the fact that the statement refers to "a father" implies that he held his rights as an individual rather than a member of a wider social group.

[10] Thompson 1894:230-231, quoted by Clifford 1929:171-172.

31: Nayacakalou E-4,5 (1957-1958) 1959
OU9 Tonga OU9

per annum for each holding of about eight acres. In dealing with the land I could not hope to rid myself of these superfluous landlords, but I could, without evoking dangerous opposition, deprive them of all power over their estates. I determined to make the Crown collect their rents and pay it over to them, while reserving to itself all rights of granting allotments and evicting tenants. Thus for all practical purposes the land still belonged to the State; for so long as the rents were paid to the lords of the manor, the Government was virtually the landlord, and the king had voluntarily made over to the Treasury all rents due upon the lands not included within any "inheritance".

Thus the changes affected, while they resulted in a reshuffle at the top of the structure, left the individual family man in much the same position as before. This last point is put most succinctly by the Beagleholes in a passage in their book:[11]

> The villager therefore no more owns his land today than he did in aboriginal times. A former produce "rent" or tribute is now paid in tax money. Present day security of occupancy is probably for many Tongan commoners greater than formerly when the will or caprice of a high official was the only fiat that counted. But in general, the villager has the same type of economy-status claim to his land and its produce as he had under the old system of Tongan land ownership and feudal control.

2—The Present Statutary Framework

Today all the land in Tonga belongs to the Tongan Crown; but the traditional "inheritances" referred to by Thompson, which correspond to the holdings of the "barons" of former times, are now classified into Royal Estates, the estates held by members of the Tongan Royal Family as their traditional holdings; Noble Estates, the estates held by members of the nobility as their forefathers had done under the king in former times; and Government Estates, the remaining estates which are now under the direct control of the Government of Tonga.[12] The first two categories are often referred to as hereditary estates to distinguish them from Government estates and are now heritable at law as they were by custom. Each such estate is known as a *tofia* and may run into a thousand or more acres; each member of the Royalty as well as of the nobility may hold several of them in different parts of the kingdom (see fig. 1 for distribution of *tofia* on Tongatapu). From them, allotments are granted to individual Tongans.

On reaching the age of sixteen years, every male Tongan is entitled to receive a grant of 8½ acres[13] of bush land as a tax allotment and a

[11] Beaglehole 1941:19-20.

[12] I am uncertain as to how these estates came to be in the hands of the Government. See passage from Thompson 1894:230-231, already quoted.

[13] One often wonders why the awkward figure of 8½ acres. Traditionally the allotments made to individual Tongans measured 100 fathoms x 100 fathoms = 40,000 square yards. 8½ acres = 39,930 sq. yds.; hence it is simply the traditional measure taken to the nearest ¼ of an acre.

31: Nayacakalou E-4,5 (1957-1958) 1959
OU9 Tonga OU9

grant of not more than 1 rood 24 perches in a town or village area as a town allotment. Each allotment is called an *api;* the former *api tukuhau* and the latter *api kolo.* There appear to be only two legal restrictions on where the allotments may be located: the tax allotment and the town allotment must be in the same locality[14] and the holder of an hereditary estate may refuse a grant to someone from a different area if there is not enough land on his *tofia* for all the people living in his own locality. Subject to these reservations, a man who applies for an *api* will normally be granted one if land is available, whether the estate is Royal estate, Noble estate or Government estate.

Although no one may hold more than one *api tukuhau* and one *api kolo,* a man may receive a block of bush land of 12½ acres at a rental of 4/- per annum if he forgoes his *api kolo.*[13] Holders of land on hereditary estates may, in addition to the *api tukuhau* already in their possession, be granted a lease of an area not exceeding 5 acres at a nominal rental for a period not exceeding 50 years. Holders of tax allotments on Government estates may be given a lease over a greater area for the same period provided that the lease does not exceed the area of the allotment they already hold.

Each tax allotment carries a tax of 8/- a year and may be forfeited if the holder defaults from paying this amount for three consecutive years. The amount is collected by the Government which pays it over to the member of Royalty or of Nobility from whose estate it comes, or holds it as Government revenue if it comes from a Government estate. But of moneys received as rent from leases on hereditary estates, only 90 per cent goes to the holder.

As the Crown owns all lands, all applications for grants must be made to the Minister of Lands; applications for leases must also be made to him, but can only be authorized by Cabinet. The Minister approves grants only under certain conditions. No land holder may sell his holding or dispose of it in any way; nor may he enter into any agreement for profit or benefit regarding the use or occupation of his land other than in the manner prescribed by the Land Act. An alien may not hold or occupy land except as provided for in the Act, and a land holder may not permit an alien to reside on his holding unless the alien has obtained a permit or lease. An allotment holder must, within one year from the date of his grant, have growing on his allotment 200 coconut trees planted at intervals of 30 feet and must keep his holding free from weeds. He is not allowed to mortgage or make an agreement pledging or charging his growing crops. And he may not be expelled from his allotment by the holder of the *tofia* except on the authority of the Minister of Lands.

While disposal of land by individuals is absolutely forbidden by law, there are provisions in the Land Act by which land may be inherited.

[14] i.e. village locality. This is not coterminous with the *tofia* area, for people in one village may hold land in different *tofia.* This restriction simply means that a man who holds a town allotment in one village cannot hold a tax allotment in another village or in another part of the kingdom.

[13] i.e. he can have the equivalent of 1½ *api* at half the price of one. For a fuller treatment of the land law of Tonga, see Meek 1949.

31: Nayacakalou E-4,5 (1957-1958) 1959
OU9 Tonga OU9

on a section of it, always on the understanding that the holder has the right to demand it back after the crop is taken out. No rights other than those of cultivation accrue to the borrower. Although such an arrangement involves definitely no rent in money or in kind, it is advantageous to the allotment holder in that the section so lent is thereby kept free from weeds and heavy undergrowth.[30] The fact that no rent is involved actually strengthens the hand of the holder when he demands his land back. As far as rights to land are concerned, the same principles apply when a man uses part of the *api* legally held by his brother, or when a number of brothers use the *api* of their father.

Individual land holders can call upon several types of *work groups* to assist them in working their land. The most important work group is the household which, under the leadership of the head of household, performs most of the day-to-day tasks of cultivation. Its importance lies in its relative permanence. For while the other work groups considered below come into operation only in connection with the heaviest tasks such as clearing and occasionally planting, and therefore tend to be relatively impermanent, the household deals with the constantly recurring need for weeding and other minor tasks, and is the only unit which can engage in long term planning on the basis of its own self-interest. It is the basic unit of production and consumption; and its members are bound together by common interests which transcend the economic sphere. Its significance needs no further elaboration. But beyond this unit, three other types of work group are found: the *tou ngaue*, the *kautaha* and the *tou lalaga*.

The *tou ngaue* is a working party which may comprise anything from two or three men to about eight or nine, the members of which work co-operatively for each of the members in turn. The members are not fed by the person for whom they are working as in the case of Pangai reported by the Beagleholes,[31] but each feeds himself and then goes back to work. In this way they achieve the ends which demand co-operative work, but avoid the encumbrance of preparing food for others. At the time of my investigation, there were three *tou ngaue* in the village under investigation. Their memberships were 3, 5, and 8 men respectively.

Kinship does not appear to play an important part in the formation of these groups. While there are occasional *tou ngaue* which have a large proportion of members who are kin, the principle of kinship does not specifically enter into the definition of the *tou ngaue* as such. When asked whom he would choose to be members of his *tou ngaue*, a man once replied, "My friends". But when pressed further to define what he meant by "friends", he said, "Those who work hard on my plantation". "Would you choose your brothers or close relatives particularly?" "No". The relationship seems therefore to be a purely economic one.

[30] The sort of arrangement involved in the work group known as the *tou tu'u* described by the Beagleholes is particularly interesting in this regard, Beaglehole 1941:33-34.

[31] Beaglehole 1941:32.

45: Aoyagi E-5 (1962-1963) 1966 OU9 Tonga OU9
Nukuleka

KINSHIP AND BEHAVIOUR IN A TONGAN VILLAGE

are not reluctant to ask for help from their *famili;* one may *kole* (ask) foods, money, land use for cultivating or housing, and so forth. And one who is asked for something by one's *famili* would not refuse it. In case they borrow a portion of *api tukuhau* of their *famili,* they can usually plant and harvest any crop they like. The only exception is that the borrower has no right to get the coconuts from trees already planted. The coconuts are the chief source of the cash income for the villagers. When I asked them "What do you pay for the use of the land?" a common answer to this question is that he (she) is my *famili,* which suggests their idea that they do not have to pay to their *famili.*

Prohibition of Marriage

Marriage prohibition extends bilaterally towards the farthest relationship. If two persons recognise themselves as belonging to the same *famili,* even if their actual relationship may not be traceable, they must not marry. A man and woman in the same generation in the same *famili* stand as brother and sister; the former should respect and protect the latter. But in a different village, I know of a couple consisting of a man and his father's (classificatory?) sister's son's daughter. The story about their marriage is as follows. They had lived in the same village and the boy fell in love with her. Every time he came to see the girl, her parents suspecting their immoral love, sent him away. But one day they ran away to Nuku'alofa to get married. After they came back, the bridegroom and his father visited his wife's parents, taking with them food which had been cooked in an *umu.* Then on the evening of the same day, her mother brought bark cloth and mats to their house for the bridal bed. Now, they are apparently not blamed either by their parents or by the villagers because of the run-away marriage, and her mother was not ashamed to tell me the story. Anyway this remains an exceptional case.

Famili functions in a field of co-operation and marriage and prohibition. On the other hand a *famili* organisation does not necessarily operate at all since the group for co-operation need not extend beyond the household. A person needing another's help, may ask the members of his *famili* individually. In short, in the Tongan way, more emphasis is put on the interpersonal, individual relationship than on the group relationship. The next chapters will report the kinship behaviour centring upon the relationship between individuals.

V The Interpersonal Relationship

Kinship Terminology

The terminology of Tongan kinship system has already been precisely described by Gifford, I will touch on some variations from his statement. He wrote about *tamai* that all male and female relatives of the father and in his generation are said to be called fathers.[15] But so far as I could know, this usage of *tamai* is not so extensive today. It includes the father and the father's brothers in classificatory sense, but not female relations of the father. In the same way, I am not certain if *fa'e* includes

15. Gifford 1929: 28.

46: Decktor Korn E-5 (1969-1970) 1978 OU9 Tonga OU9
Tongatapu
Motulahi

Chiefs, and the institution of a landed nobility. The third section of the Constitution deals with the operation of the new system of land tenure associated with the newly-created nobility.

The creation of the landed nobility was built in to the radically reorganized system of land tenure (Lātūkefu 1974, Rutherford 1971, Waude 1971). The entire country was divided into tracts of land designated for agricultural purposes and tracts designated for residential purposes, bush land (*'uta*) and town land (*kolo*). All town land was to be the property of the government, who would lease land in residential areas to those who wished to dwell there. Bush lands were divided into large parcels of land known as *tofia* ('inherited estate'), most of which were vested in individual nobles. Allotments of agricultural land could be obtained by leasing them from the owner of the *tofia*. The intent of these provisions, as Rutherford explains it, was to create

> . . . a peasantry with secure tenure of portions of land adequate to satisfy their needs and free from chiefly demands and encumbrances, and a nobility with holdings large enough to satisfy their relatively higher demands for status and remuneration (1971:99).

The new system of land tenure was an instrument of security for the state, for it reinforced long-standing prohibitions by Tāufa'āhau against the sale of Tongan land to foreigners. However, the institution of leasehold set aside the principle of life-long security of tenure for

Tongans, which had been an important feature of an earlier code promulgated by Tāufa'āhau. The concept of leases for Tongans may have been introduced to increase the commoner's sense of security of tenure and thereby encourage entrepreneurship. In practice, it had the opposite effect, for the noble was under no requirement to agree to the issuance of a formal lease on land within his tofia, and in fact no leases of bush land were ever issued under the provisions for leasing set out in the Constitution. The people continued to live and work on the land they occupied but, with the uncertainties and insecurity resulting from the new laws, they ceased to improve the land.

642 423 565 427

By 1880 the government was heavily in debt, for there was little income in taxes or other fees to be collected from the peasantry. Under these circumstances, the Legislative Assembly was inclined to ratify proposals for revision of the land law, for the provisions of the Constitution would have to be amended if economic growth was to take place. Several alterations were accepted in 1881, including the assignment of the government's town lands to the nobles and the elevation of a number of additional chiefs to landed status. These preliminary revisions favored and strengthened the nobility, inclining them to accept further revisions that were designed to ensure the security of the ordinary landholder. When the Assembly met again in 1882, the revision of the land laws was completed.

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423 642 646

423 642 565

[646]

47: Decktor Korn E-5 (1969-1970) 1975 OU9 Tonga OU9
Tongatapu
Motulahi

village had no one engaged in any income-producing activity besides the basic Tongan pattern of peasant production. In the remaining households, there were a total of 54 government employees, both men and women, almost all of whom worked in the main town. In addition, there were persons employed outside government (mainly as laborers in various enterprises), or by one of the churches (usually as teachers in a church-run school). Besides people with jobs, there were people in the village who had business enterprises of their own. Included in this were six stores in the village, two women kept large flocks of chickens and sold the eggs to the big stores in the main town, there were three privately owned sheds that were hired for movies and dances or used as copra-weighing stations, two men owned trucks for hire, one man operated a band, a woman had a dress-making shop in town, and so on. Other income-producing activities of people in the village included the cultivation of watermelons (mainly for export to New Zealand) and the manufacture of handicrafts.

In many cases, the income-producing activities described here were not full-time occupations, nor were they the major source of income for the household. In most of the households in the village, subsistence production and copra production are the mainstay of the household, while other income-producing activities serve mainly to provide a more or less steady flow of cash. On the other hand, households with no source of supplementary income enjoy a noticeably lower standard of living. Among these, for example, there is a greater proportion of the old-style, coconut-thatch houses or old and shabby wooden houses—people without supplemental sources of cash income find it more difficult to obtain the large amount of cash needed to build a new wooden or brick house.

The major part of the everyday cash requirements and other material needs of a household are provided for if the household has access to an agricultural allotment (*'api 'uta*). Although this is not the place to describe the Tongan system of land tenure in any detail,[11] the following notes will suffice to indicate the major elements involved in a household's having access to an allotment. In theory, every male over the age of 15 is entitled to an agricultural allotment of 8¼ acres registered in his name. In practice, however, about 60% of all who are eligible do *not* have land in their names (largely because of shortages stemming from the pressure of increasing population). Some men, on the other hand, have effective control over more than one allotment,

11 For articles dealing with the system of land tenure, see Maude (1972) and Nayacakalou (1959). In addition, refer to Rogers (1969) for a discussion of the *Report on the Results of the 1966 Census* (Fiefia 1968) that focuses on the findings relating to population increase and its effects on land holding.

49: Rogers A-4,5 (no date) 1969 OU9 Tonga OU9

Kingdom's total population, had 58.9% of the total households with two family units and 63.2% of the households with three or more family units.

The Report does not distinguish whether households with several families have come about as a result of grandparents, son and wife, and grandchildren living in the same household, or as a result of brothers and their wives sharing one household. It is also unclear how the local census officers demarcated dwelling units clustered together and cooperating as the one single household. In many parts of Tonga there is a precedent in custom for three or even four generations of the same kin-group to live within the same *'api*, the family unit of the oldest son occupying the main dwelling with other units (parents and unmarried siblings; families of married siblings) having separate dwellings around. Because of the traditional brother-sister *tapu* there may be an additional hut for unmarried sons. There is less precedent in Tongan custom for two or more family units of the same generation (e.g. siblings, their spouses and children) to live within the one dwelling: this could be a criterion of overcrowding.

It seems from the census figure of 16% ("households" with more than one family unit) that overcrowding is not yet severe in Tonga except in Nuku'alofa. Here families of siblings are sharing dwellings, and huts are being built on swamp land. Elsewhere, the occurrence of households containing more than one family unit may be accounted for as the persistence of the traditional co-resident extended family, comprising several generations where each "extra" family unit may have its own separate dwelling house which may or may not have been recorded in the census schedule as a household. The increase in average household size has been accompanied by a fall in average overall acreage of land per household from 15.08 acres per household in 1956, to 10.98 acres in 1966.

* * *

The population densities already discussed have little meaning except in relation to the availability and utilization of natural, agricultural and human resources. The natural resources of Tonga comprise almost exclusively the soils, reefs and surrounding seas with, in late 1968, an elusive possibility of oil; the agricultural resources comprise almost entirely trees—particularly coconut, banana, breadfruit—and ground crops grown mainly without mechanical aids by slash-and-burn methods. Human resources are discussed at the end of this paper.

Dependence on agricultural produce is enormous; in 1961 and 1964 these products amounted to 98.19% and 96.39% respectively of Tonga's total export earnings with copra (the dried kernel of the coconut) forming the basis of the economy and constituting over 80% of the visible exports throughout the 1960s.[6] Agricultural products are the surpluses and small cash-crops of Tonga's 12,000 or so peasant farmers who are scattered throughout the Kingdom and rent their allotments either from titled nobles or directly from the Government.

6. TONGA, 1960–1967 *passim*. Total exports for 1961 amounted to £T1,374,658; agricultural exports £T1,349,461; non-agricultural exports £T25,197.

53: Marcus E-4,5 (1972) 1975 OU9 Tonga OU9
Ha'apai
'Uiha

by the Royal Family in the absence of direct heirs (Maude, 1965, p. 56). The power of the nobles within the surviving traditional class structure was limited in that they no longer have legally recognized rights to the services or goods of their people, nor any judicial functions outside the state legal system, nor any control over the amount of rent and tenure of land, legally registered by commoners who live on their *tofi'a*. Essentially, nobles within the traditional structure have been reduced to landlords with very limited powers even in this status. However, what makes the role of the noble important in the traditional class system is the fact of their considerable moral and cultural status on the village level, backed by the very real power that they hold in the parallel political structure of modern government. The Town Officer of a village, often a commoner, still shows considerable respect to his noble, and at least in 'Uiha, accedes to his wishes. In sum, the traditional class structure of Tonga survives, but in an attenuated form with sharply defined boundaries between the Royal Family and the small number of noble titles on one hand, and the rest of the population including commoners, nominal chiefs, and *matāpules* on the other.

4. Tupou I instituted a unique individualistic system of land tenure (see Nayacakalou, 1959, pp. 93-114; Maude, 1965, pp. 97-103). Every Tongan male over sixteen years of age was to receive on application two pieces of land: a tax allotment *('api tukuhau)* of 8¼ acres and a town allotment *('api kolo)* on which to build a house. For his tax allotment an individual was to pay an annual rent of eight shillings to his noble if the land was on an hereditary estate, or to the Government, if the land was on a government estate. Also, by law, the use of land was to be inherited by the eldest son of the previous deceased holder. This system of land tenure exists to the present day, and is an important factor in stimulating the dispersion of Tongan kin groups from their native villages and islands. The complexities of the operation of this system in the face of increasing population need not be considered here. Formerly, nobles had the power to distribute unused land on their *tofi'a*, but since there is so little land left undistributed in Tonga, this surviving noble prerogative has lost much of its effect.

What has happened to patterns of rank in the kinship system, the class system, and the descent system in the face of these changes can best be approached by asking what has happened to the *ha'a* in modern Tonga. As Aoyagi has shown, the concept of *ha'a* as a group in any of its previous uses has virtually no meaning for commoners on the village

53: Marcus E-4,5 (1972) 1975 OU9 Tonga OU9
Ha'apai
'Uiha

In 'Uiha, slightly under half of the *'api tukuhau* were unregistered and thus technically held by commoners at the pleasure of the noble. Nevertheless, I recorded no cases of eviction. However, there were cases in which landholders whose lands were both registered and unregistered consented to 'switching' or redistribution of their lands at the request of the noble. The noble periodically requests goods from his people, most often in kind (pigs, yams, or other root crops), occasionally in money (I heard of one request for $ 100 T).[8] There was occasionally some grumbling among villagers about the injustice of these offerings, but in effect such requests are made infrequently and are always fulfilled. The noble, through his representatives, maintains an interest in the happenings within his village and sets policies for his people to follow (such as the decision to fence pigs in or let them run free), whether these accord with policies of government departments or not. Finally, the noble is in fact the largest landholder in the community, reserving for his own use a number of *'api tukuhau*. He has the option of distributing these lands to people he chooses, either for temporary use or for permanent acquisition, or he can leave his lands idle.

The above sources of *de facto* noble power on the *tofi'a* may vary considerably from community to community based on such factors as the noble's personality, the economic conditions of his family estate, and the type of relations he has to the people of his *tofi'a*. One might suppose that a noble is in fact most powerful on a *tofi'a* where he is native and resident, and least powerful on one where he is non-native and non-resident. Given the variations that might occur, the above legal limitations and existing sources of traditional prerogatives are the constants which define the content of noble-commoner relations at the village level.

In the case of type 2 villages, e.g., 'Uiha, face-to-face contact between noble and villagers is periodic. In 'Uiha, the noble, who is a Member of Parliament in Nuku'alofa, visits his estate about three times annually, each visit being one or two weeks in duration. Otherwise, the noble makes his requests known to his people through radio messages, through announcements at *fonos*, i.e., mandatory community meetings, or through his personal representatives.

Whether face-to-face or indirect, the following appears to be the pattern of noble-commoner contact within villages: a noble makes requests or queries known to his people *as a whole*, either through an intermediary or through the institution of the *fono*. That is, the noble

[8] $1.00 Tongan is equal to approximately $1.25 United States. Values in this paper are expressed in terms of Tongan dollars.

half of these were sharing 'api tukuhau with their in-laws.

The migrant appears welcome to stay in the local household as long as he wishes and it is not unusual for him to do so for several years. There is rarely any question of payment for board or for the use of 'api kolo or 'api tukuhau though by mutual, unspoken understanding the migrant will supply a share of the food or contribute in other ways towards family expenses. Even when it is possible to live elsewhere and so avoid kin obligations, few choose to do so.

Table III

The Migrant and Access to Land, 1963-4

	Migrants[a] %	Total Household Questionnaire %
Registered 'Api Kolo	38	57
Registered 'Api Tukuhau in Tongatapu	18	49
Registered 'Api Tukuhau elsewhere[b]	13	6
Sharing 'Api Tukuhau	42	25
No use of 'Api Tukuhau	27	20
No use of 'Api Tukuhau in Tongatapu	40	31
Number in Sample	74	107

[a] Based on Employment and Household Questionnaires.

[b] Application for an 'api in Tongatapu requires a previous cancellation of titles elsewhere.

The hierarchy of Tongan family relations is such that a young relative tends to feel more relaxed with close relations on his mother's side (fa'e tangata). These relations are under some obligation to him whereas he is obligated to his father's eldest sister (mehekitanga) and to a lesser extent to all his father's relations. It is natural, then, that a migrant will endeavour to stay with his mother's people. As one informant put it, "You feel closer to your mother's side because you are above them."

It is significant that few migrants considered they had any special problems of adjustment on arrival. The strength and importance of kin ties in this pattern of chain migration is best seen in the migrants' own comments:

"I had relations here. The burden was easier."
"I had no problems because my elder brother was here."

67: Maude K-5 (1961) 1973 OU9 Tonga OU9

pressure. As the term is used here, 'population pressure' implies the existence of stress in the man/land system resulting from increases in population density, stress being indicated by a deterioration in some of the variables in the system, such as a decline in the nutrient status of the soil or an increase in land disputes (Farmer, 1954; Lea, 1964, 1965; Street, 1969; Vermeer 1970). The following sections therefore examine three aspects of the man/land system—land tenure, the agricultural system, and the human perception of and reponse to population pressure—to see if there are any indications of stress. Analysis of the effect of population density is mostly through a comparison of areas of different density, chosen so that other independent variables are reasonably constant. For example, study of the effect of population density on the food cropping system is confined to Tongatapu and Ha'apai, for within these two groups climatic and soil conditions are broadly similar, but are different to those in Vava'u.

LAND TENURE

The land-tenure system of Tonga is highly distinctive, differing in a number of respects from the systems found in other parts of the Pacific Islands. Every taxpayer (every male aged 16 years and over) is entitled by law to an allotment of 3·2ha of agricultural land, known as a tax allotment, as well as a small piece of land in a village or town for his house. These allotments are granted to individuals as a lifetime, inheritable leasehold from the Government, if on a Government estate, or from the title-holder on a chiefly estate, and no one may legally hold more than one allotment of each type.

In reality, however, many Tongan men do not have the allotment to which they are entitled. In the 1966 Census only 8,305 or 41·6 per cent of all Tongan males aged 16 and over stated that they had a tax allotment. Although this figure conflicts with the 1966 Report of the Lands and Survey Department, which recorded the total number of tax allotment holders in December 1966 as 12,517 (G. Rogers, 1969, 216), this latter figure is almost certainly incorrect. A more detailed impression of landholding is given in Table 7.2, which presents the results of a number of village studies. The table shows that in only one village, Niutoua, did over half the taxpayers have their legal entitlement, while in most villages a large proportion of taxpayers and households had no land at all. It should be noted

67: Maude K-5 (1961) 1973 OU9 Tonga OU9

and the 1966 Census enumerated 20,003 males aged 16 and over. A second reason is the uneven distribution of population discussed in the previous section. In areas where population densities are about 180/km² and over (i.e. 0·56ha or less, per person, of all land), most holdings have for many years been less than 3ha; when cadastral surveys were first carried out in these areas the population density was already such that holdings were generally about 1 to 2·5ha, and any attempt to stick to the statutory size of allotments would have led to the dispossession of many landholders. Despite the small size of the holdings there are still many more men entitled to land than there are allotments, and the typical pattern of land distribution in these areas is shown in the figures for Ha'afeva and 'Uiha (Ha'apai) and Ha'avakatolo (Tongatapu) in Table 7.2. In Ha'afeva the high level of landlessness is partly a result of the fact that nearly half the persons who held land on the island in 1966 lived elsewhere in Tonga, and this phenomenon of a large number of absentee landholders is common to many islands in Ha'apai. In areas of moderate population density (around 100 to 150/km²) the pattern of land distribution is as shown in the date for Ha'akame, Nukunuku and Ha'ateiho in central Tongatapu. On these estates almost all allotments are of 3·2ha and consequently a larger proportion of taxpayers and households are generally without land than is the case in villages with higher population densities. Where population density falls to about 80/km² or less the pattern of land distribution is represented by the figures for Niutoua in eastern Tongatapu, where in 1962 only 3 per cent of the households had no land. Landlessness on this Government estate would have been even less had it not been for the fact that one-third of the registered allotments on the estate were held by people who lived in other settlements, mostly either in nearby villages or in Nuku'alofa, a not uncommon feature of Government estates in eastern Tongatapu.

These data on the percentage of households are by themselves of only limited value in an assessment of population pressure. The fact that a man does not hold land, or has only a small allotment, does not necessarily mean that he does not have satisfactory access to land for food production and cash cropping. The borrowing of land from relatives, friends, villagers and estate-holders is common throughout Tonga, and has its basis in the customary, although now weakened, obligations that exist between kinsmen, friends and a chief and his people. It is fairly easy to borrow land for growing

67: Maude K-5 (1961) 1973 OU9 Tonga OU9

short-term subsistence crops, even in densely populated areas, and although many villagers claim that it has become more difficult in recent years it is hard, if not impossible, to find a rural family short of food simply because they cannot borrow enough land for gardening. When land is borrowed from a relative no direct payment is usually made, but in borrowing from others it is customary to give a small part of the crop to the landholder. Although it is illegal, there appear

Table 7.3 Cash-crop income and area of land held by household, Tongatapu, 1961

	Land held by household		
	No land	*1 allotment (2·7–3·8 ha)*	*2 allotments (6·3–7·4 ha)*
Number of households	31	59	17
Mean cash-crop income ($A)			
per capita	18·4	36·4	36·4
per adult male (aged 16 and over)	69·8	157·6	152·8

to be a growing number of cases in which a cash payment is made for the use of land.

Obtaining the use of land for cash cropping is more difficult. The demand for such land has increased with the growth of the population and the greater commercialization of Tongan agriculture, while in Tongatapu, where the demand is greatest, the amount of spare land has decreased markedly in the last decade as a result of the allocation of allotments in the eastern half of the island, and an increase in banana planting by landholders in response to the improved market in New Zealand. Furthermore, the customary obligation to assist relatives and others, evolved in a society with a subsistence economy, applies less strongly to the rather different conditions of commercial agriculture. Men borrowing land are increasingly having to pay a cash rental. While some of the large-scale banana growers, and market gardeners who can afford to pay such rents and to contribute food crops and pigs to the landholder or estate-holder, still have little difficulty, the ordinary landless

67: Maude K-5 (1961) 1973 OU9 Tonga OU9

villager finds land borrowing for cash production an increasing problem. Land cannot be borrowed for planting coconuts, which rank about equal with bananas as a cash crop, and palms on an allotment are the property of the landholder, regardless of who planted them. A common practice for those without land is to obtain permission to collect one or two cartloads of coconuts for copra-making from the allotment of a relative or close friend, and for this no return is given. Another arrangement found, especially between non-relatives and where the landholder is absent, is for the cash received for the copra to be shared half-and-half.

The effect of landholding on cash-crop incomes is shown in Table 7.3, which presents data from the household survey of four Tongatapu villages mentioned in an earlier section. The inability of the social system and its customary obligations to even out inequalities in landholding is shown in the fact that households without land had only half the income per capita or per adult male of households with a full-sized allotment. On the other hand households with two allotments did not have higher incomes per head than single-allotment households, for although total income was higher these households were larger and had more adult males.*

The main conclusion that can be drawn from this discussion is that the present land-tenure system, although it cannot provide land for every household, is still able to cope with the subsistence needs of the people, but is less able to cope with the rising demand for land for cash cropping. The increasing difficulty of borrowing land for growing cash crops and the trend towards the payment of rentals for land both point to pressure within the system. This pressure, however, is as much the result of the growing commercialization of Tongan agriculture as of population increase alone.

THE AGRICULTURAL SYSTEM

Tongan agriculture is based on a bush fallowing system† for the cultivation of tubers, the main food crops being yams, taro, cassava, sweet potato, bananas and plantains. After clearing and burning, a plot is cropped for two to about five years and then bush fallowed for

* The number of households in the survey with allotments smaller than 2·7 ha was too few for useful analysis.

† The term 'bush fallowing' is here used to describe a form of shifting cultivation in which the fallow period is short.

241 461 476 in such groups and work progresses with a great deal of conversation and joking; frequent breaks for drinking coconuts and smoking are also important as is a midday break for eating and sleeping.

During 1971 seventeen of the adult men in Puke belonged to work groups called kautaha toungāue 'association that works in rotation'. There were two such groups, one having a membership of ten and the other a membership of seven. Each group had a timekeeper but no other leader. The tasks undertaken by the groups were planting and hoeing for each member in the following manner. Each day on which the kautaha was to work, each member had one hour in the morning to work on his own garden plot; the remainder of the day the entire membership worked on the land of one member. The order of rotation was established by the criterion of the proximity of each garden to the village, group work beginning in the closest garden and ending at the most distant.

The basis of membership in these groups seems to be residence and friendship, as all members of one group reside in the northern half of the village and the members of the other group all reside in the southern half.

423 426 429 All household heads in Puke have access to land through one of the following: (1) legal usufruct rights based on registration with the government, (2) usufruct rights granted by the noble holding the estate, or (3) usufruct rights "loaned" by a person holding land by one of the other two methods. In the village thirteen men hold land as legal registrants, fourteen hold land at the discretion of a noble, and fifteen use land of a kinsman or friend.

79: Lātūkefu H,I,M-4,5 (1964-1965) 1974
(1822-1875)
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tabooing for the chiefs things belonging to the commoners, particularly food crops. A section of the 1850 Code pertained to the taking of anything forcibly (1850 Code, XIII).

This provision certainly went much further than the first one in 1839, although other provisions in the Code still allowed the chiefs to order their people to work for them.

In order to make the necessary reforms, King George called a meeting of his chiefs in 1859, at Nuku'alofa, which was followed by one in 1860 in Ha'apai and another in Vava'u in 1861. The King found it very difficult to obtain the chief's agreement to the reforms which he himself wanted to make in the laws. The chiefs were unwilling to part with their remaining privileges. In the famous meeting at Pouono, the ceremonial ground at Neiafu, Vava'u, in 1861, many chiefs opposed the Emancipation Edict, complaining that the King had already deprived them of their power and consequently of much of their prestige, and now he was going to deprive them of the only remaining privilege upon which they were dependent for their living—the *fatongia* (enforced labour). 'What would happen to us?' asked Tungī, one of the leading chiefs, 'we cannot fish, we cannot till the land, we cannot do anything for our living. Why don't you just take the *ngia* and leave us the *fato*?' (informant, Siola'ā Soakai).[2]

The King, however, saw the answer to the chiefs' complaint in the rent which was to be paid to them by the land-holders for their tax allotments.

The 1862 Code with its forthright declaration of emancipation for all the people and their chiefs marked a culmination of the earlier developments when it enacted that:

> All chiefs and people are to all intents and purposes set at liberty from serfdom, and all vassalage, from the institution of this law; and it shall not be lawful for any chief or person, to seize, or take by force, or beg authoritatively, in Tonga fashion, any thing from any one. (Clause XXXIV:2)

It should now be apparent that Baker's part in this Code was limited to discussing it with the King and to committing these

[2] *Ngia* for *ngeia* meaning prestige derived from power; *fato* for *fatongia*, enforced labour. It is a play on words.

79: Lātūkefu H,I,M-4,5 (1964-1965) 1974
(1822-1875)
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642 the whole land during civil war or war between the kingdom and
643 another country.

The next division after the King was the Privy Council, which
642 was composed of the Cabinet Ministers, the Governors and the
645 Chief Justice. Its functions were to advise the King in his work and to serve as a final court of appeal.

Following the Privy Council was the Cabinet. It was composed of the Premier, Treasurer, Minister for Lands and the Minister for Police. The ministers were appointed by the King, 'from the Nobles, or from the representatives of the people, or from persons outside, And if so they shall enter the Legislative Assembly' (Clause 63:1). The duties of the Premier and of each of the ministers were all laid down (Clause 55).

642 The Legislative Assembly was composed of the ministers, nobles
646 and the representatives of the people. The nobles consisted of twenty chiefs who were appointed for life by the King to the Legislative Assembly, and there were twenty representatives of the people who were to be elected by the people.

642 The judicial power of the kingdom was vested in the Supreme
642 Court, the Circuit Court and the Police Courts. The Supreme Court consisted of the Chief Justice and two associated justices.
[693] These justices of the Supreme Court were to be appointed by the King with the consent of the Cabinet.

The King and the Legislative Assembly decided the number of Circuit Courts to be held in the kingdom, and these were held by one of the justices. All cases brought before the Supreme Court and the Circuit Courts were to be tried by a jury of twelve. The King and the Legislative Assembly also had the power to determine the number and frequency of Police Courts, and the Legislative Assembly was to regulate the powers of the police magistrates.

642 In the third section dealing with land matters, all land in
423 Tonga was declared to belong to the King who could grant estates known as *tofi'a* to the twenty nobles appointed by him. The titles
565 and the *tofi'a* were to be hereditary, and the laws of inheritance for the throne and these titles were set out in this section. The nobles were to lease portions of their *tofi'a* to their people.

642 The constitution made it unlawful for anyone, whether he was
423 King, chief or commoner, 'to sell one part of a foot of the ground
427

79: Lātūkefu H,I,M-4,5 (1964-1965) 1974
(1822-1875)
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of the Kingdom of Tonga, but only to lease it in accordance with this Constitution' (Clause 109), and only leases approved by the Cabinet were to be recognised. Any lands which were not owned by anyone, or any *tofi'a* which failed to have legitimate heirs should revert to the government, and the government had the right to lease such lands.

The Constitution of 1875 marked the culmination of a gradual process by which King George had attempted to bring to Tonga the type of legal and constitutional machinery which would enable her to gain recognition from the civilised nations and maintain her own independent and stable government. Many of the provisions of this constitution departed altogether from traditional precedents, as, for example, in the laws of succession not only to the throne but also to the hereditary titles of the whole country.

Traditionally, hereditary succession to the throne was not automatic, but was decided upon by an 'electoral college' from among several claimants. The selection of successors to the other chiefly titles had been in the hands of the principal chiefs of the *ha'a* to which the title belonged. Usually they chose the most capable candidate. This was essential at a time when the welfare of the whole community depended almost entirely on the wisdom and abilities of its paramount chief. However, there had been bitter rivalry among the various claimants which often resulted in open conflict and war between factions.

By the 1870s there was considerable speculation among both Tongans and European settlers and British administrators in the South Pacific, as to who would become the successor to King George, after his long reign, extending from his rulership of Ha'apai since 1820, of Vava'u since 1833 and of the whole of Tonga since 1845. Many prophesied that civil war would break out over this question if nothing were done about it. As early as the 1850s the missionaries had repeatedly requested King George to declare a successor.[2] St Julian had also dealt with

[2] The Rev. R. Amos wrote:

> On the 9th of December 1856 I invited the King and Queen to dine with the Prince at our residence on Olobeka Hill, and on that occasion I told His Majesty that some persons blamed him for not publicly proclaiming George as his successor. His reply was 'It is

80: Maude K-5 (1961) 1971 OU9 Tonga OU9

and in 1852 he told a meeting of the leading chiefs that 'No person has any title to lands in these Islands except by grant from the Government' (Amos 1852). This claim was strengthened and brought into conformity with traditional Tongan feeling in 1865 when the remaining powers of the Tui Tonga were conferred on Tupou by the chiefs. The sale of land to foreigners was forbidden in 1850, although leasing was permitted under government control. By 1872, if not earlier, this prohibition was extended to cover sales of land to Tongans.

Other developments in land tenure resulted from a combination of missionary influences (particularly from the Reverend Shirley Baker, a Wesleyan missionary who later became Premier), the King's own desire to elevate Tonga into the ranks of the civilized nations, and the need for government revenue. The 1862 code, which freed the commoners from forced labour and compulsory contributions to their chiefs, also stated '. . . the chiefs shall allot portions of land to the people as they may need, which shall be their farm, and as long as the people pay their tribute, and their rent to the chief, it shall not be lawful for any chief to dispossess them . . .' (West 1865:434). Baker later claimed credit for this provision, explaining that his aim had been to ensure that those required to pay taxes had the means to earn the necessary money (Rutherford 1966:54-5). This may be the origin of the later principle that each taxpayer was entitled to an allotment, although under the traditional system the holding of land was probably also linked with the payment of tribute.

The Constitution of 1875 elaborated and refined these principles, and also provided for the granting of estates to the chiefs. Since 1852 all land had legally belonged to the King, and unoccupied land had come under the control of the Crown rather than the chief of the district in which it lay. Between 1875 and 1882, however, Tupou appointed a number of chiefs and *matapule* as virtual landlords of the districts, in most cases those they had traditionally controlled, and gave them the power to lease land to their people and, with the approval of Cabinet, to foreigners, with the rents being paid to the holder of the estate. The Constitution appears to have been the work of Baker. Rutherford (1966:155) suggests that 'The creation of a nobility was probably a move by Baker to enlist the support of the more powerful chiefs . . .', and there is little doubt that political stability was improved by giving both the King's main supporters and the more important of his opponents secure and comfortable positions in the new order.

80: Maude K-5 (1961) 1971 OU9 Tonga OU9

if a landholder did not have enough sons or other male relatives to take up all the allotments into which his customary holding was divided some of the land would pass out of his family's control.

The last few years, however, have seen a near revolution in land allocation, the stimulus coming from the Royal Family and the government. In 1957 a New Zealand firm contracted to complete the subdivision of the Kingdom into tax allotments and by 1962, when the Cadastral Survey finished, only Niuatoputapu, Niuafo'ou and some of the smaller volcanic islands remained unsurveyed. The allocation of the new allotments was unnecessarily delayed, perhaps for the reasons suggested above, but by the beginning of 1966 most of the allotments in Tongatapu, and about half of those in Vava'u, had been granted, and it was hoped to allocate the rest within a year or two.

The allocation of the new allotments has been done village by village, and those with pre-existing customary holdings have usually been permitted to allocate some or all of the new allotments into which their land was subdivided, although subject to the approval of the estate-holder (if on an hereditary estate) and of the Minister. Most of the new allotments have therefore gone to the sons and other male relatives of the old landholders, but some have been left for the estate-holder or Minister, and sometimes the old landholder, to allocate to non-relatives. In a rough sample of allotments on two hereditary estates on Tongatapu seventy-seven per cent had been granted to relatives of the old holders. Where land was granted to non-relatives some estate-holders largely chose people who belonged to the village by descent, but others were more willing to allocate land to people who settled in the village in the hope of getting an allotment, although this sometimes caused resentment among local people left without land. In the sample mentioned above twenty-nine per cent of the allotments in one village had been granted to newcomers compared with only ten per cent in the other, and in the latter village probably a higher proportion of the local people given allotments were boys under sixteen years.

For his tax allotment a Tongan pays an annual rent of eighty cents either to the government or to the estate-holder. On many hereditary estates, however, the estate-holder does not collect this rent in money, but instead calls for contributions of food and other materials needed for particular occasions, and these contributions usually amount to much more than eighty cents in value in a year.

80: Maude K-5 (1961) 1971 OU9 Tonga OU9

Eviction from a registered allotment is rare, and provided a landholder complies with the requirements of the law he has complete security of tenure, for all cases for eviction must be heard by the Land Court. Eviction may be for failure to pay rent, for not maintaining the allotment in the average state of cultivation for tax allotments in the district, for abandoning the allotment or for not planting or tending the 200 coconut palms required by law. In recent years cases for eviction have only been brought on the grounds of failure to pay rent, and as the law gives landholders the opportunity to pay within three months of the judgment very few people have actually lost their land. Security of tenure is therefore very much greater under the present system than it was in the past. Moreover, the Land Court has on several occasions held that registration is not the only test of ownership (Hunter 1963:104-6 and 121-5), and where a person occupies unregistered land which has been held by his family by customary right for some time his position is fairly strong. It is only those who have been given permission to use land to which they have no customary right, with the possibility of registration later, whose tenure is particularly insecure and who therefore most need to keep the favour of the estate-holder.

THE DISTRIBUTION OF LAND

The 1966 census, the first in which a question on land ownership was included, revealed that only forty-two per cent of taxpayers actually had an allotment, with the proportion varying from thirty-nine per cent in Tongatapu to forty-six per cent in Vava'u and forty-eight per cent in Ha'apai.[6] A more detailed indication of the distribution of land in particular villages is given in Table 1, which presents the results of village studies carried out in recent years and shows the percentage of households and (for six of the villages) of taxpayers, according to the acreage of land held. It should be noted that these households differ in composition from those of the past; today an extended family grouping is only occasionally found, particularly in Tongatapu, and most households consist of a nuclear family or a nuclear family and a few unmarried relatives. The figures in Table 1, together with census data, show that the distribution of land between both households and taxpayers is distinctly uneven, and differs markedly from the pattern which should result from the provisions of the Land Act. In only one village did over half the taxpayers have their legal entitlement of eight and

80: Maude K-5 (1961) 1971 OU9 Tonga OU9

In areas of more moderate population density (about 300-400 persons per square mile) the pattern of land distribution on estates which have been fully subdivided is shown in the figures for Ha'akame, Nukunuku and Ha'ateiho.[A] Here most households have either eight acres or no land at all, although in Ha'akame several taxpayers hold twelve-acre allotments and a block of thirty-three acres is held as a lease by the only man of rank in the village. Where the population density falls to about 200 persons per square mile or less the pattern on subdivided estates is represented by the figures for Niutoua in eastern Tongatapu (see Table 1 and Figure 1),[A] where only three per cent of the households in 1962 were without land. Yet even there about eighteen per cent of the taxpayers had no land, because one-third of the registered allotments on the estate were held by people who lived in other settlements, mostly either in Nuku'alofa or in other villages in eastern Tongatapu. Where subdivision and allocation of allotments is not complete the proportion of taxpayers and households without land is very much higher, as is shown in the figures for Vaini in central Tongatapu, where in 1962 about one-half of the estate was still in customary holdings. The recent allocation of allotments has significantly altered the pattern of land distribution on this estate, but has had little or no effect on the other villages discussed above.

The significance of this unequal distribution of land between individuals and households needs to be carefully assessed, for the borrowing of land from relatives, friends or estate-holders is common. It is fairly easy to obtain the use of land for growing short-term and largely subsistence food crops, even in densely settled areas, although many men claim that it has become more difficult in recent years. Where land is borrowed from a relative often no direct return is made, but when borrowing from others it is customary to give part of the crop, such as a basket of yams, to the landholder.

Obtaining the use of land for cash cropping is more difficult, and although it would be hard to find a family short of food simply because it could not borrow enough land for gardening, households without land tend to have significantly lower cash incomes than households with land. Borrowing for cash cropping particularly has become more difficult over the last two years, for with the improved market for bananas landholders have expanded their own plantings and are less willing to lend their land to others, especially for more than one or two years. In Tongatapu today it is not unusual to find people having to pay for the use of land for cash cropping, although renting without

[A] [See Category 423, pp. 109, 117--Analyst.]

80: Maude K-5 (1961) 1971 OU9 Tonga OU9

Cabinet approval is illegal, and Cabinet approval is not given for land renting between Tongans. In fact, some of the more enterprising and large-scale banana growers and market gardeners, who can afford to pay rent and to contribute food crops and pigs to the estate-holder or landholder, have little difficulty in obtaining the use of land, though their tenure is insecure and unprotected by law. Land cannot be borrowed for planting coconuts, a long-term cash crop, and palms on an allotment are the property of the landholder, regardless of who planted them. A common practice for those without land, therefore, is to obtain permission to collect one or two cart loads of coconuts for copra making from the allotment of a relative or close friend, and for this no return is given. Another arrangement, especially between non-relatives and where the landholder lives elsewhere, is for the cash received for the copra to be shared half and half. Despite these arrangements a survey undertaken in four villages in Tongatapu showed that in 1961 the *per capita* cash crop income of households with no land ($T18.40) was only half that of households with eight acres (Maude 1965:155-6). Yet only a few of the landless men interviewed throughout Tonga seemed to experience hardship from land shortage; most considered their income sufficient for essential needs and some with energy and enterprise had higher cash incomes than many men with their own allotments. A few men in Ha'apai and Nuku'alofa with large families to support, however, did appear to feel under pressure.

In theory the Tongan system should have encouraged the movement of people from areas of land shortage to the more sparsely populated districts, for although an estate-holder may refuse a person from another locality permission to reside upon his estate, he cannot prevent such a person holding an allotment there, unless the Land Court rules against the grant. Some migration to obtain land has taken place over the last few decades, mainly from Ha'apai to central and eastern Tongatapu, but for reasons already mentioned it has not been easy to obtain land in the areas where allotments should have been available. Furthermore, acquiring land on an hereditary estate has usually been more difficult for a stranger to a village than for a local man, for the responsibility of an estate-holder towards his own people does not necessarily extend to others, and many people feel that the lands of an estate should be reserved for the people who traditionally belong there. Consequently in all the villages for which figures are available the proportion of men without

80: Maude K-5 (1961) 1971 OU9 Tonga OU9

multiple ownership found elsewhere; and it has not tied areas of land to particular social groups. It has prevented land from passing into foreign ownership and has limited the area taken up in foreign-held leases, and at the same time has prevented the dispossession of the commoners and the over-concentration of land rights in the hands of the chiefs.[8] Tonga now also has a nearly complete survey of all agricultural holdings, as well as a reasonably efficient records system for land grants, transfers and rent payments.

Furthermore, many of the weaknesses discussed in previous sections have resulted not so much from the Land Act itself but from its inadequate application, and in the past few years a great deal has at last been done to ensure a better distribution of land. A final strong argument in favour of the system is the remarkably small number of disputes. During the five-year period 1952-6 a total of 178 cases came before the Land Court, but 141 of these were over the non-payment of rent; there were only twenty-three cases involving a disputed claim to a tax or town allotment, the great majority of which were won by the defendant, and none involving a dispute over an allotment boundary.

THE FUTURE

Some changes in the basic principles of the land tenure system, however, will be essential if it is to meet the problems raised by a rapidly-growing population. The total number of tax allotments so far marked out is about 12,140 if every two allotments of less than four acres are counted as one (Maude 1965:166, 181), yet there are already about 20,000 males aged sixteen and over legally entitled to land, and some of the present allotments are held by widows or (as with some holdings recently allocated) by boys under sixteen. By 1980 the number of taxpayers entitled to land is likely to be about 33,000, nearly treble the number of existing allotments.[9]

In assessing the changes that might be made, two points need to be kept in mind. One is the need to avoid potentially serious social, economic and perhaps political problems that would result from a large proportion of the male population being without land and without any hope of acquiring land. Already at least eighty-four per cent of taxpayers in the age group 20-24 are without a tax allotment, while in the age groups 25-29 and 30-34 the corresponding proportions are seventy-five per cent and sixty-three per cent respectively. The opportunities for developing

80: Maude K-5 (1961) 1971 OU9 Tonga OU9

NOTES

[1] The writer acknowledges with gratitude the help received from many people in Tonga and elsewhere while collecting the material for this chapter. Particular acknowledgement is made to the staff of the Lands and Survey Department, the Honourable Mahe Tupouniua, Mr 'Iteni Helu, Dr Sione Latukefu, Mr Tangata Lakepa and Professor R. G. Crocombe, who do not, of course, share any responsibility for the opinions expressed here.

[2] The correct term for this group in pre-contact Tonga is uncertain and today Tongans use the word *famili*, from English, or *matakali*, which is of Fijian origin. The term *fa'ahinga* is used by Latukefu (1967).

[3] The *matapule* are the chief's attendants and spokesmen; *foha* and *tehina* are minor titles under a chief.

[4] The crosses mark allotments held by persons not belonging to the same *fa'ahinga* as the rest of the landholders in that area.

[5] On a government estate the process of obtaining land has generally been less difficult, but in recent years most of these estates, especially in Tongatapu, have had few vacant allotments.

[6] These figures are from the preliminary results of the 1966 census, by courtesy of the Census Commissioner, Mr N. Fiefia.

[7] It may be noted here that there are several references to the planting of coconuts having stopped in the first decade of this century (because maladministration of land matters by the King and the estate-holders made people feel insecure in their tenure), which suggests that previously planting had been common. On the other hand, the registration of allotments does not appear to have begun until 1898, and registration on a significant scale did not begin until about 1915.

[8] But note that by law an estate-holder may reserve part of his estate for himself and the successors to his title and, since the regulation provided for in the Land Act to determine the area of this *'api fakatofi'a* has never been made, some retain personal holdings of up to 200 or 300 acres, although part of this land is being used by villagers and others.

[9] From the preliminary results of the 1966 census.

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The foundation of the reforms which transformed the old order lay in the land tenure system initiated by Tupou I, and which has remained largely unchanged since 1891. The major feature of this system is the granting and inheritance of land solely on an individual basis. Every Tongan male, aged 16 and over (at 16, Tongan males legally become taxpayers), is entitled to not more than 8½ acres of bush land, called a tax allotment, and a small town allotment on which to build a house. The hereditary tax and town allotments pass from father to eldest son. Legally defined annual rents or tax allotments to be paid either to the government or noble landlords are nominal, and these are often neither collected nor paid by the small-holder. No land in Tonga can be sold to foreigners, but leasing is permitted under strict government control. This individualized land tenure system served to transfer the prerogative of land distribution from local chiefs and lineage heads of local descent groups in the old order to the monarchical government.

Overlaying this prospective patch-work division of Tongan society into family farms were the grants of landed estates or *toft'a* to selected hereditary chiefly lines of the old order, constituted as a nobility. In contrast, the majority of pre-Tupou chiefs still informally pass on their titles, which now have only ceremonial or ritual significance, but they have effectively been reduced to the same legal and social status as all other small-holding farmers.

From the end of Tupou I's reign to the present, nobles as landlords have been legally restrained in their control of both the people and the lands of their estates. They cannot arbitrarily control the rents, services, or tenure of their small-holding tenants. They can hold undistributed land on their estates for themselves and can select holders in the distribution of unallocated land, but even this latter prerogative is mediated by the final approval of the Minister of Lands. Given land shortage, the import of the noble's personal distribution of available holdings is diminishing, but also as a result, this prerogative has been the focus for much of the traditional and current abuse of the nobility's rights in control of its estates (in the form of receiving bribes and services outside the law). Land which is not divided into hereditary noble *toft'a* is either Crown estates or the personal estates of the King and Royal Family.

Land practice has never scrupulously followed the definition of the legal provisions, either when land was more plentiful or now that land is scarce. For instance, several noble landlords have thus far enjoyed considerable traditional prestige among the people of their estates which has given them more actual control of their estates than the law grants them. Also, the distribution and management of individual holdings has in general occurred in the context of broader kin networks and decision-making processes than might be expected from the ideal distribution and control of land in independent nuclear family units, as suggested by the legal definition of land tenure (see Marcus, 1975a). Nonetheless, the legal provisions of land tenure have shaped

622 178 565 556 178 556 [571] [602] present, however, most nobles live in Nuku'alofa, and effective local leadership is often in the hands of church officials, teachers, or government officials. The accumulation of wealth and acquisition of European houses, motor vehicles, and other European goods are also increasingly important status symbols. For example, in some villages, owners of small trading stores, buses, or trucks have gained prestige and social effectiveness. Futhermore, the wealthier a person, the easier it is for him to satisfy both his kinship and social obligations. In many cases, wealth is a result of increased commercial agricultural production.

423 427 565 427 565 651 The nobles control the land of the Kingdom, and many farmers try to maintain good relationships with their landlords by making presentations of food and other goods or providing labor. In the past, it was customary for all Tongans to reserve the "first fruits" for the King, the local chief, or the local minister (faifekau). In fact according to Gifford (1929:104), commoners' gardens were inspected and the choicest yams, plantains, taros, etc., as well as pigs over a certain size, were tapu (sacred) and were to be preserved for the King and other high chiefs.

423 427 565 178 651 Since 1875, when a system of legal land registration was started, this practice of presenting the first fruits, known as 'inasi or polopolo, has declined considerably, with increasing outside influence through the church and

423 schools, egalitarian principles are gaining wider accept-
427 ance and if presentations are to be made to the nobles,
565 they are generally made during ceremonial occasions. How-
178 ever, there are a number of nobles who have as yet not
651 granted permanent tenure to tenants on their land and continue to exact tribute in the form of cash or produce for the privilege of tenure.

554 Apart from the nobility, the positions of matapule, town officers and district officers, artisans, ministers, schoolteachers, and successful entrepreneurs, all demand
[437] certain respect. In order to maintain a favourable social atmosphere, reciprocal exchanges of money, food, or labor are made between these individuals and their constituencies.

182 In summary, it must be stressed that these social ties,
571 as well as the previously described kinship ties, provide
602 the basis for cohesion in the Tongan society. Not only do these set up vast networks of both unilateral and bilateral exchanges of cash, food, and services, but they also provide the basis for the political system, land tenure, and the
565 organization of labor. At the present time, the titles of
178 chiefs, particularly nobles, still carry great social, economic, and political power. Similarly, the nuclear
178 family, the broader kin group, and the village still play a
602 major role with the social and economic life of the average
571 Tongan. However, with increasing exposure to other
[177] cultures, a continuing influence of the church, and an
[182]

423 missionaries to emancipate the Tongan commoner from
178 serfdom, forced labor, and obligatory contributions to
656 traditional chiefs (Wood, 1945:56-57; Rutherford, 1971:58;
177 Maude, 1971:110). Further changes were brought about by
423 the Constitution of 1875. One of the major provisions of
178 the Constitution was the granting of "legal" estates or
565 tofi'a to a number of the traditional chiefs. This provided
641 for the re-establishment of a landed nobility, which had been, in law but not in practice, eliminated in 1852.
423 Accordingly, by 1882, Tupou I had appointed 30 traditional
565 chiefs and six matapules as virtual landlords of hereditary
641 estates thoughout Tonga. The nobles thus created had the
[427] right to lease land in their districts to Tongans and, with
423 the Cabinet's approval to foreigners. The balance of the land not included in the 36 grants remained under the control of the Crown. The Act of 1882 established the right
423 of each Tongan male sixteen years of age or older to both
641 a town allotment ('api kolo) and a bush or garden allotment
659 ('api 'uta) to be granted to him by the holder of the estate on which he resided; in 1891, the government assumed responsibility for granting allotments (although estate holders continued to receive the rent); and in 1915, estate holders were given the right to be consulted before the government (through the Minister of Lands) granted allotments from their estates (Maude, 1971:111).

423 The primary basis for the present system is the Land

423 or death of the previous holder's widow, the allotment
428 descends, in order to his male descendents; his unmarried daughters; his brothers or their lineal descendents; his father's brothers; or their lineal descendents.

If a legal heir already holds an allotment, the allotment descends upon the next most appropriate heir. In the case of sons and grandsons of the holder, they have the option of selecting between the allotment they hold or the one available for inheritance. Allotments can also be surrended by the rightful heir by reason of old age or ill-
[429] ness. In cases where the legal heir has not reached the age of sixteen, the Minister of Land can appoint a trustee (s) until he comes of age. If no person claims the allotment, it reverts to the estate holder or the Crown. The Minister of Land may reallocate reverted allotments.

Although fragmentation is discouraged, a person may apply to the Minister to subdivide an allotment between sons, grandsons, brothers, or nephews if the original allot-
423 ment is of sufficient size. An alien can reside on an
641 estate or an allotment only by permission of the Minister.

423 Leasehold Land

427 The Land Act strictly prohibits sale of land and
[432] mortgaging of land or crops. However, there is a provision for the leasing of land and for another form of temporary
[428] tenure, the "permit". Leasehold rights can be inherited

423 but land use rights acquired by permit terminate upon the
427 death of the original holder.
428

According to the Land Act, the Minister of Lands has
423 the power to grant leases, sub-leases, and permits to
427 Tongans, aliens, charitable organizations (missionary
659 societies and churches), or the government, with the approval of the Cabinet. Leases may be granted from portions of hereditary estates or Crown Land which have not been granted for tax allotments or will not, in the opinion of the Cabinet, be required for allotments within the term of the lease. Excluding land leased to charitable institutions and for government purposes, no more than five percent of the total area of an estate can be leased.

423 The term of a Tongan lease shall not exceed 50 years
427 and the term of a lease to a charitable institution, alien,
[659 or the government shall not exceed 99 years. The Minister, with the Cabinet's and, when applicable, the estate holder's approval, can renew leases.

423 Conditions of Tenure
427 The King and the Royal Family have exclusive rights to
643 their estates and, although no bush or town allotments are
644 granted from these estates, portions of them can be leased.

423 Crown land must be subdivided to provide bush and town allotments. The Minister may not dispossess any legal
423 holder of his town or bush allotment unless he contravenes
659 the law.
681

423
427 The holders of non-Royal hereditary estates have a number of rights, including the receipt of rent from all [651] bush allotment holders on their respective estates. In addition, they receive 90 percent of the rent from every lease on their estate (10 percent goes to the Crown). They also have the power to approve all allotments and leases granted on their land; can refuse to grant an allotment to a resident of another estate, even if the wife resides on their estate; and can reserve portions of their estate for their own private use or that of their family of their [681] heirs. The holder of any hereditary estate may not dispossess any holder of a bush allotment or lease except [656] for contravention of the law. The holder of an hereditary estate may, however, refuse to renew a lease or refuse to grant a bush allotment, although his decision may be overruled by the Minister of Lands and the Cabinet.

Tenure to individual tax and town allotments is not secured until they are surveyed and registered with fees ranging from T$11 to $18 depending on the size of the allotment (Wylie, 1967:647-649). Thereafter, tenure is secure
423 unless the holder is convicted for a felony; is declared
427 legally insane; fails to pay his annual rent of T$0.80;
681 does not maintain the allotment in a reasonable state of
245 cultivation (each holder of a bush allotment is required to plant 200 coconut palms and keep them in a reasonable state of cultivation); uses the land or crops as security;

423 illegally allows an alien to reside on the land; or
427 abandons the allotment for over two years. The tenure of
[245] leasehold land (including permits, sub-leases, and transfers)
[681] is also subject to the payment of a registration and surveyor's fees relative to the size of the parcel of land.

423 Enforcement and Administration
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[698] The Land Act of 1927 provides for the enforcement and administration of the land laws. Provision is made for the establishment of the Land Court, the appointment of a Minister of Lands, and Land and Survey Department Office in Nuku'alofa.

423 Present Distribution and Effectiveness of the Land Tenure System

The existence of a legal code does not necessarily guarantee enforcement of these laws. Consequently, it is necessary to look at the present distribution of types of land tenure on Tongatapu to determine the effect of the law on the agricultural system.

423 As of 1971, 39 hereditary estates or tofi'a had been
565 granted to chiefs or matapules (Maude, 1971:112). Of these 23 have part or all of their estates on Tongatapu (Figure 9) and 16 have their entire estates on other islands. The combined area of the 23 estates on Tongatapu is approximately 42,400 acres (17,200 hectares) (see Appendix F for a breakdown of the estates by title, location on Tongatapu, and approximate areas). Including the King's and the Royal Family's estates, the combined acreage of all

A [See Category 423, pp. 432-433--Analyst.]

423 311 [427] [178] and grazing of cattle. A considerable portion of the unsubdivided land now held by the nobles was in former European leaseholdings, which were not renewed. At present, much of this land is underutilized and many of the coconut plantations have deteriorated since the termination of the leases.

423 427 [178] In the past, there were over 8,000 acres (3,200 hectares) of leasehold land on Tongatapu, but the acreage continues to decrease as leases expire without renewal. Based on records in the Lands and Survey Department, there are at present 162 leases, sub-leases or permits over 2 acres in size, comprising an area of approximately 4,900 acres (2,000 hectares). There are other smaller leases [563] which are of little or no agricultural value. Of these 162 leases, 67 are held by church or missionary societies and 46 by aliens, including resident Europeans and other Pacific Islanders.

423 311 Most large lease holdings are used as copra plantations and for grazing. Some of the larger holdings and many smaller holdings are used as banana plantations, some for traditional Tongan agriculture, some for the production of garden vegetables for overseas export, and perhaps as much as 20 percent of the total area for non-agricultural purposes such as church and school sites.

423 but the same problem exists there (Table 11).

Table 10. Total land area of Tongatapu (including Kanatea and Nukunukumotu) by major land tenure types, 1971-1972.

Type of Tenure	Acreage	Hectares	Total %
Bush allotments	45,214	18,298	71
Undivided portions of hereditary estates	3,138	1,270	5
[427] Church (charity leases)	(2,779)	(1,125)	
Foreign leases	(1,303)	(527)	
Tongan leases	(800)	(324)	
Total leasehold land	4,882	1,976	8
Crown land including town allotments	10,382	4,202	16
TOTAL	63,616	25,745	100

Source: Lands and Survey Department Records.

[161] Given the present rate of population growth of approximately three percent and the increasing migration to Tongatapu from the other island groups, the situation was undoubtedly more critical in 1971 than in 1966 and will deteriorate in the future. According to Lands and Survey Department personnel, there is also a shortage of town allotments.

423 592 Although legal rights to tenure of bush and town allotments are held by individuals, access to agricultural land

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Table 13. Number of town allotments per survey household.

Village	Town Allotments Per Household 1	2	3	Total Households	Total Allotments
Haveluliku	8			8	8
Fatumu	13	4	1	18	22
Kalonga	22	1		23	24
Hpuma	18	1		19	20
Kolovai	14	1		15	16
Ha'ateiho	21	1		22	23
Kolomotu'a	12			12	12
Kolofo'ou	25	1		26	27
Ma'ufanga	6	1		7	8
TOTAL	140	9	1	150	160

423
425

Legal tenure is obtained by registration and paying registration and surveying fees to the Minister of Lands. Customary tenure is obtained through prolonged residence on an allotment, generally by the holder and his ancestors. Temporary tenure or usufruct rights are obtained from friends or kinsmen who are willing to lend part or all of an allotment. Tenure by rental is obtained extralegally through arrangements with the legal or customary holder of an allotment.

[427]

000
423
241 an allotment. The more permanent the tenure, the greater the possibility that the tenant will plant long-term crops like coconuts, bananas, or other fruits trees instead of subsistence crops like cassava or taro.

423
425 The most common means of obtaining legal or customary
[428] tenure to a bush or town allotment is inheritance. Individuals who are not legal heirs must find vacant allotments. By law, an individual, after finding a vacant allotment should apply directly to the Minister of Lands to register it. Unfortunately, in practice a person generally must first get approval from the estate holder in the case of an hereditary estate, or the town officer, in the case of government or Crown land. Although the Minister of Lands can overrule the decision of either the estate holder or the town officer, this rarely happens.

[571] An individual who wants permission to register land seldom approaches the estate holder or town officer directly; instead, he works through senior kinsmen or a matapule
[431] with higher social standing. In almost all cases, inquiries are either preceded or accompanied by gifts of food such as pigs, chickens, or yams. If permission is given, the new "holder" will, in most cases, not be able to register the allotment immediately. Instead, there is generally a "probationary" period designed to insure that new holders use the land wisely and fulfill their social obligations to
[427] the village or district (Maude, 1965:104). The probationary

423 period is often abused or extended by the estate holder or
425 town officers who make excessive demands on the tenant.
[427] Thus some estate holders in effect have the same power over land distribution as they had prior to the "emancipa-
[565] tion" of landholders in 1852. At present, there are a
[427] number of nobles who have bad reputations, with respect to demanding foodstuffs, labor and money, while failing to register allotments. In most cases, it is easier to register an allotment on Crown land than on an hereditary estate.

[428] Occupancy by customary right is generally obtained through inheritance and is relatively secure, especially if a family has used a particular allotment for generations. Rulings by the Land Court have commonly favored a customary holder over a registered holder who has obtained approval
[427] of the estate holder (Hunter, 1963:104-106). Nevertheless, under customary tenure, there is a greater incidence of having to fulfill obligations to the estate holder. However, where the estate holder or officer is not excessively demanding, customary tenure is for practical purposes as secure as legal tenure.

Temporary tenure is obtained by asking kinsmen, friends,
[241] or even estate holders for usufruct rights. In this case, the legal or customary holder generally produces copra from the palms on the property, while the tenant plants only subsistence crops. Owing to the scarcity of vacant

423 allotments, some households and many individuals have only
425 temporary tenure. They are generally younger brothers who were not legal heirs or are immigrants from other islands or districts. The ability of an individual or household to obtain temporary occupancy seems to be, to a great extent, contingent on fulfillment of social obligations.

423 Finally, it is not uncommon to find landholders rent-
425 ing their land to others, although strictly forbidden under
427 law. An increasingly common practice seems to be rental to
[241] farmers who want additional acreage for commercial crops, such as bananas, watermelons, and garden vegetables, or for
[435] yams to be sold locally. The rental fee for an eight and a quarter allotment ranges from as low as five to over a hundred dollars per year or a percentage of the profits. The period of rental usually runs from one to five years. It depends on the individual agreement whether the tenant has usufruct rights to coconuts planted on the allotment. Many Tongans who are willing to rent all or part of their allotments are wage earners rather than full-time farmers.

423 Tables 14 and 15 show the nature of tenure to bush and town allotments for the sample households on Tongatapu.
[369] The highest percentage of registered allotments are in the
[161] urban area of Nuku'alofa (Kolomotu'a, Kolofo'ou and Ma'ufanga) and Kolovai, both areas with high population densities and smaller parcels of land. Similarly, in Kolonga, one of the first areas to be resurveyed according to the Cadastral

423 Survey of 1957, the estate holder has allowed a relatively high percentage of the allotments to be registered.

The area with the lowest proportion of registered allotments is around Fatumu and Have'uliku, where subdivision has not been completed and tenure to many parcels is on a customary basis. There seems to be little significant difference in the percentage of households having only temporary tenure, except for Kolonga, where the percentage [311] was 35. Kolonga is one of the major banana growing areas, [241] as well as being well-organized on a village basis for production of cash crops. Likewise, out of seven allotments [427] which were rented, five were in the Kolonga district, where successful local enterpreneurs have rented allotments from other villagers.

[592] In summary, although the number of allotments in Tonga is insufficient, most households have some access to land, either permanently or temporarily. Futhermore, although 241 311 strictly forbidden by law, renting land to those who are 423 landless or industrious enough to farm more land often 427 intensifies utilization of the land that is available. 241 Because of varying permanency of tenure, different kinds of 311 cropping, ranging from almost purely subsistence gardening 423 to purely commercial agriculture, occur throughout the mosaic-like pattern of over 5,000 bush allotments. The permanency of tenure of town allotments is also often reflected in the degree to which trees and long-term crops

241 For commuting between the bush and town allotments and
481 transporting agricultural produce, the commonest modes of
494 transportation are walking, riding horses, horsecarts
493 (saliote), bicycles, and buses. Of a sample of 140 house-
492 holds, only 9 percent owned a motor vehicle whereas 26
percent owned bicycles; 28 percent owned horsecarts (saliote)
494 and 48 percent owned horses. The percentage of households
369 owning bicycles and motor vehicles and those riding buses
to their bush allotments was higher for Nuku'alofa than the
rural areas, whereas understandably the reverse was true of
241 those owning horses and horsecarts. Farmers desiring to
494 transport considerable volumes of crops, firewood, or other
427 material often rent trucks or horsecarts. In maintaining
241 the fertility of the soil, Tongan farmers have considerable
242 empirical knowledge and understand the necessity of crop
rotation and a sufficient fallow period. They realize that
stands of large trees or certain shrubs and herbs, such as
Lantana camara, Leucaena leucocephala, Paspalum conjugatum,
and Phaseolus semierectus, indicate better soil than species
like Panicum maximum, Cyperus rotundus, or Sida rhombifolia.
They also realize that the length of the fallow period has
been declining and that the soils are presently more
impoverished than in the past. The primary means that most
Tongans use to improve soil fertility are fallowing and
[654] burning dead plant material. The government encourages the
use of commercial fertilizers, and out of 137 sample house-

241 And finally, livestock husbandry was much more widespread on town allotments than 369 on bush allotments. 231

241 Current Trends and Developmental Paths

178 Based on the nature of the Tongan agricultural system in 1971-72, there seemed to be some definite trends within the system and developmental paths that it might follow, all of which should lead to more intensive use of the land and increased productivity. Some of these trends or possible developmental paths include:

241 Decrease in Leasehold Land and Expansion of Bush and Town Allotments

178 As leases expire, many are not being renewed and the 423 land is in some cases being subdivided into bush and town [427] allotments. More recently, bush allotments are often four acres in size and town allotments less than one-quarter 241 acre. The existence of these smaller allotments should 178 lead to more intensive cultivation, as was the case with most of the sampled undersized allotments.

Increase in Scientific Farming Methods

[654] As a result of government encouragement and subsidies, [242] there seems to be a definite increase in plowing and disc [312] harrowing; the use of pesticides, fungicides, herbicides, and fertilizers; the introduction of new crop varieties; the use of fencing; and dependence on some form of irrigation.

89: Wood M,Y-4,5 (1924-1937) 1975
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West, then in England, printed by the British and Foreign Bible Society, synchronized with this epoch-making year.

"All laws relating to serfdom are repealed" was the essence of the detailed provision for the abolition of Tonga's old feudal system. What had been included in the Codes of 1839 and 1850 was made explicit now, in spite of the reluctance of many chiefs. Though the serfdom that had existed in Tonga was not comparable to slavery under masters of another race, as in America, yet the ancient absolute power of Tongan chiefs over the lives and property of their people was out of keeping with the position of the country in 1862. The day of the warrior-chief had passed, and with the spread of education and the acceptance of Christian principles equal opportunities for commoners with chiefs had to be recognized. Not only was the arbitrary rule of the chiefs ended, but the king's own authority itself was limited by the Code of 1862.

Under the new Code, land was to be allotted by the chiefs to their people. All males sixteen years and over were entitled to their allotments, with right of continued possession, provided that the rent was paid. The poll-tax was fixed at three dollars. (Tongan dollar = four shillings.) The rent to be paid to the chiefs for tax-allotments was two shillings per annum. This system of guaranteeing land to all Tongan males has been followed ever since, only the scarcity of land and the population explosion in recent years preventing its full implementation. Salaries to judges and other civil servants were to be paid from public revenue, not from fines as under the old system. Customs duties were fixed.

4 June 1862 is commemorated also for the beginning of parliamentary government. However, there was as yet no formal parliament and a cabinet was not formed until 1875. The first Premier, Crown Prince David 'Unga, was not appointed until 1876. Parliaments met very infrequently in the early period — 1867, 1870, 1874.

Much of the Codes of 1839 and 1850 was incorporated in the Code of 1862, but it was also directly influenced by the Hawaiian Constitution of 1855, and the advice of a journalist, Charles St. Julian, afterwards Hawaiian Consul in Sydney, who sent suggestions to the king.[24]

Shirley Baker, only two years in Tonga, but already making his presence felt, was entrusted with writing out the Code. Whether, at this early stage in his career, he did much more than that for the king is doubtful.

The missionaries had much less to do with the Code of 1862 than with the previous codes even though the king sometimes consulted them about it. He had reached the stage when he did not generally desire the same dependence on their advice. Some years before this, Richard Amos, when writing to John Eggleston, Missionary Secretary, had represented the missionaries' opinion: "The king happens to have a will of his own" (26 October 1857).

Other differences appeared. The king's policy did not always conform to the missionaries' interpretation of Scripture. W. J. Davis wrote to Eggleston that he had spoken to the king who wished to allow divorce and re-marriage after three years' separation, a provision that Davis regarded as "a violation of Scripture" (6 September 1861).[33] The missionaries regretted certain significant omissions in the new Code; adultery and fornication were punishable as before, but there was no longer a prohibition of native dancing.

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affair . . . The complaint of the chiefs is that they were not allowed to say what they wished." (36) 642

Baker himself wrote to Chapman, on 3 May 1876: 643 797

"I must acknowledge that I have drawn out the Constitution and most of the new laws and especially the new civil code, and am putting them through the press, and hope to correct the last sheet this week. . . . I have never pressed anything upon the king." (37)

On 10 June 1876, Watkin again wrote about Baker to Chapman:

"I am not envious in the least of his position in the Church or of his influence with the king — he is welcome to all . . . I am sorry that the Chairman did not consult his brethren when he was preparing the Constitution for the Tonguese. . . . As far as I can learn the feelings of chiefs and people are against the Constitution. . . . The Chairman (also) started *The Tonga Times* [a newspaper] without consulting the brethren." (38) [204]

The Constitution was more formal and detailed than previous codes. It had an admirable declaration of rights and also wisely provided for the royal succession. This avoided quarrels about the kingship such as those that were tearing Samoa asunder. Some had suggested Henry Ma'afu, son of Aleamotu'a, as successor, but he had been in Fiji since 1848 and was a British subject after 1874; he was considered only if the king's family became extinct. Even if 'Unga was regarded as illegitimate through being born before the Christian marriage of his parents, this would have been unworthy, and he was now recognized constitutionally as the heir-apparent, and his son, Ngu, was designated as 'Unga's successor. As it happened, both of them predeceased Tupou I, and Tupou II succeeded as the son of Ngu's sister, Fusipala. 642 643

Certain chiefs (twenty, later thirty-three) were recognized in the Constitution as hereditary nobles. This action pleased these chiefs who had been irritated by the loss of their power over the people in 1862. It created an aristocracy, an affluent element in a poor country, landholders from whom their tribesmen received allotments on payment of rent. It may also have occurred to Baker that the elevation of some chiefs to the rank of nobles would enhance his own prestige with this powerful group; and yet it was from this section that there came much of the opposition that brought about his downfall and ended his political career in 1890. 642 565 [797]

The leasehold system of land tenure was at the heart of the Constitution. It prevented the alienation of land and also any influx of European settlers who could have caused troubles like those which played a part in the cession of Fiji in 1874. The absence of European plantations removed any need for bringing indentured labourers from abroad, again a very grave problem in Fiji. Only the Tongan Cabinet could approve any lease to a European. The Parliament was to consist of 20 nobles and 20 commoners (later, reduced to seven in each case). As in the earlier Codes, the Sabbath was made a sacred institution in perpetuity. Adultery and fornication were still criminal offences. 642 423 609 [645] [427] [648] [527] [684]

Baker may have thought he had weathered the storms within the Mission staff as far as his part in preparing the Constitution was concerned, but his continued involvement in political affairs led to further controversy. He was assailed in the District Meeting on 11 December 1876 on new charges. A fiery and unstable young missionary, James Thomas, brought accusations which, at first, gave Baker an opportunity of turning the tables on his critics. James Thomas alleged that Baker had been "meddling with the politics of Tonga in becoming virtually king", "becoming the author of the new and existing laws of Tonga", 797

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the facts, and increasingly admired by the old Free Church people in the united Church because of his fairness and kindliness. He convinced them that, contrary to the false reports freely spread, they had not been trapped into union nor led back to an imaginary state of servitude to an overseas church. Emotionally charged criticisms against the Queen herself for dismissing the aged Mr. Watkin were accepted by many who did not know what Mr. Watkin had done. Page, who knew every detail, summed up the situation in a later letter to Wheen (19 July 1924): 795

> "Had we suspected that Mr. Watkin would not carry out what he had openly supported and advocated, we would not have gone on with union." (16)

Though chagrined indeed because of what had happened, Page was outwardly cheerful. He was too optimistic in fact. On 7 May he had written to Wheen, in reference to the defection of Mr. Watkin's party —

> "I feel that we shall have a healthier and better united Church because of this happening, though we may possibly lose a small minority."

On 28 May, he wrote:

> "Only a very small section is standing with Mr. Watkin."

In another letter (28 June) he told Wheen:

> "We carried out in a worthy way the arrangement mutually agreed to. Why Mr. Watkin, at half past the eleventh hour, decided to go back on the proposals to which he had agreed and subscribed and tried to hold back the Free Church, I do not yet know. The fact remains that he has only been able to persuade one-eighth of the people to halt, and that is sufficient proof of the goodwill of the people towards union."

On 19 July, he seemed even more hopeful —

> "Mr. Watkin's withdrawal has only affected a small minority, and should the verdict of the Court be with the majority then the minority will fizzle out in less than three months." (17)

Unhappily for Page, when numbers were available later, in 1926, as against 16,000 adherents in the Free Wesleyan Church (nearly one-third of these being former Wesleyans) there were 4,000 in the continuing Free Church; and these anti-unionists grew in numbers as time went by.

• • • •

The old Free Church had held no leases. The Wesleyans had their leases which they gave to the united Church. A test case was brought before the Land Court Judge, Mr. Scott, for judgment on the Free Church land at Ma'ofanga where, it was said, the chief Fakafanua (then deceased) had made over the land to the Church by a verbal gift. It was also contended by the plaintiffs, through their counsel, Mr. Moody, that the united Church was in fact a new Church founded in 1924 and, therefore, distinct from the old Free Church. Furthermore, it was said that, by its association with the Methodist Church of Australasia, the Free Wesleyan Church had violated a fundamental principle of its establishment by George Tupou I in 1885. To support this contention, the document, signed by the old king alone, dated 4 January 1885, was submitted as the constitution of the "Free Church". This paper had been in the possession of a daughter of the late Shirley Baker. 795 427 694 [698]

In the course of the Land Court case the united Church was able to establish that the legal constitution was that of 8 August 1885, signed by the king, Baker, Watkin himself, and various chiefs and ministers, and confirmed by the 795 695

/66 cont./

585 The marriage was, of course, entered into only in accordance with
581 ancient Tongan custom (festivity). The legal marriage (registration)
and the church wedding may have contributed to a certain stabilization
583 of marriage. "Flight marriages" (that is, lovers who are of age
585 marrying against the will of their parents by fleeing to another
178 island in the Archipelago and registering their marriage there) which
565 occasionally takes place today, probably did not occur in ancient
Tonga in this form. For the commoners (190)

190. The great majority of commoners were farmers (compare J. Martin, loc. cit. II. p. 300).

were bound to the soil far more than they are today. They cultivated
[427] the land of the chiefs which the latter /67/ lent them against duties,
[571] and they were so greatly dependent on their masters that they were
permitted under no circumstances to change from one territorial
565 jurisdiction to another. Working his individual land naturally gave
585 the commoner more freedom. The far fewer economic burdens probably
178 had a beneficial effect on family life, for they usually gave it a
581 sounder basis.--From the preceding account and the figures given it
[591] becomes clear that the family has remained predominantly patrilocal
[611] and patrilinear. The way of life of commoners in pre-European times
[582] suggests that the marriage partners came from the same locality even
more than is the case today.

565 A considerable change took place in the family life of nobles.
178 As a result of the Christianization of the Archipelago they gave up
595 polygamy, apparently with littly resistance, and today they lead a
married life resembling that of commoners. Monogamy is thus
593 practiced by all the people, at least outwardly. While wives are
837 mostly faithful to their husbands, many husbands take the liberty of
[178] having affairs with other girls or women. This is apparently an

/102 cont./

000 of power of the nobles--though they have not disappeared.

621 178 Seen as a whole, the old, strong feeling of solidarity in the Tongan community has been preserved. Even today we see, especially in the villages of the small islands, the old mutuality which is neither communist nor is it made up of families isolated from each other. Every Tongan can still join any group in the village having a meal and can eat with them, and in most of the settlements every inhabitant may ask any other for objects or for personal help, and no one will generally refuse to fulfill his wish. European influences (such as money, the idea of property, different denominations) have up to now--except in special cases--not led to the individualization of families, which to us in Europe is so much taken for granted.

(574) (425) (476) (177)

/103/ b) Social Stratification

565 The principal social classes in ancient Tonga were: the chiefs ('eiki), their personal attendants, counselors and helpers (matapule) and the commoners (tu'a).

(241) (427) The commoners, that is, the mass of the people, were in most cases farmers who cultivated the chief's lands which they lent out to them. Every tu'a along with his family was completely dependent on his chief. The 'eiki (whose title was hereditary) had absolute power, often arbitrarily exercized over the life and property of the commoners. (286)

286. See J. Cook, Beschreibung...VI. pp. 294/295; W. Ellis, An authentic narrative... /cited in English/ p. 115; J. Martin, loc. cit. I. pp. 59/60; II. pp. 92, 300; E.W. Gifford, Tongan Society, p. 110.

565 554 The matapule served the chiefs as a sort of minister. As a rule, the title of the matapule was handed down in the same family; a matapule served the chief with whose ancestor his own ancestor had lived. The rank of the matapule depended specifically on that of his

/104 cont./

565 178 decades later, that the termination of the interdependence of nobles and people is being worked out in practice to the fullest extent.

565 178 794 (461) Whereas formerly the chiefs had total, almost godlike authority in Tonga, today God and the church--and, only far behind the royal house--are the supreme power for all Tonga. Among the people, their former work for chiefs has been replaced by work for the family and (among the Wesleyan natives in particular) for the church. (290)

290. Many average Tongan families of the villages on the small islands today "contribute" approximately the sum of 30-50 T. a year (= circa 280-470 German marks) to their church; in addition there are the faka-afe (banquets) for the preachers. Besides, every Tongan devotes a considerable amount of time to the numerous church services.

178 565 (429) (431) The present-day tu'a pays only his (small) land rent (to the government) for his chief on whose territory his plantation lies; he seldom sends his chief natural produce--and generally only voluntarily--as a special gift. The commoners, through democratizing Christianity, gained greater self-assurance in relation to the upper classes, and this becomes all the stronger as they secure for themselves economic advantages through the copra trade and are able to acquire a certain amount of knowledge and culture in the schools. Intelligence and ability can make it possible for them to advance in various professions (government administration, teacher, clergyman, physician).

The chiefs, whose position of power has not suddenly, but very gradually, declined, look upon this development coolly and with a certain melancholy. Only the royal family and the 30 highest chiefs of the new class of nopele (nobles) (291)

291. Altogether there are now 33 nopele titles in Tonga, three of which are at present held by the crown prince and his brother.

created in the second half of the previous century by George I,

/117 cont./

423 428 643 On August 24, 1894, George II augmented the list of inherited lands, which was reconfirmed by Queen Charlotte on March 3, 1919. (323)

323. Ibid., p. 72.

648 423 At the advice of Basil Thomson (British Assistant Premier in Tonga), the Crown, in 1890, secured for itself ultimate control of these lands as well, by becoming responsible for giving out portions of land and collecting the rent, and by possibly dispossessing the tenants on these lands.

423 Thus, all land is today the property of the Tongan Crown. There are two main types of landed property: 1. the large properties (tofi'a) of the government, the royal house, the nopele and a few matapule and 2. the leasehold land. The latter is subdivided into plantation land (api'uta) and the land for settlements in the village (api kolo).

423 425 641 Every male Tonga over 16 years of age (taxpayer) is entitled to receive one api-uta of $8\frac{1}{4}$ "acres" /cited in English/ for planting and one api kolo of 132 "square yards" /cited in English/ as his dwelling area in the village. If he applies to the minister for lands he receives this /118/ either on the tofi'a where he is already living or somewhere on government land. For his api'uta he must pay

423 429 the government an annual rent of 8 sh. T.,; (324)

324. This sum is occasionally waived. Thus, for example, Crown Prince Tungi Tupouto'a dispenses with the rent payments of the Tonga living on his island of Nomuka.

the government allocates the rent payment to the nopele concerned of collects it according to whether the tofi'a in question belongs to a nopele (or a member of the royal house) or to the government. The api kolo is rent-free. The lessee who does not pay the rent for his api'uta or does not comply with the conditions relative to its cultivation (325)

/118 cont./

423
427

325. Within the first year he must, for example, plant 200 coconut palms.

may be dispossessed. In principle, the right to lease the land received is valid for a lifetime, also for the widow of the lessee. After the death of his parents, a son may continue to cultivate his father's land; but no one is supposed to own more than one apai'uta.

427
563
423

Europeans may only rent Tongan land. They are not particularly encouraged in this, since the Tongan government has little interest in the settlement of whites in the Archipelago if they do not seem specially useful for the development of Tonga. However, there are a few European planters in Tonga who have leased their land for periods generally not exceeding 50 years. When the lease period runs out it may be extended at increased rentals; after the lease contract expires, the right of disposal naturally goes back to the Crown.

423
(311)

This fundamentally excellent system of land ownership can serve to assure all Tongans an adequate livelihood, since $8\frac{1}{4}$ acres of the relatively fertile land are quite adequate to feed a family well. The supervision of commoners by their chiefs in old times is today continued by the town officers (under the guidance of the district officers) who direct the natives to plant fixed quantities of certain crops. In this way the government wants to achieve an unchanging, assured subsistence for its people. However, most Tongans are independent enough to cultivate their land properly even without these directives, and usually they plant more than is recommended. The government's right to deprive the lessees who do not comply with these instructions is seldom made use of, and only in extreme cases. There are many plantations that are only occasionally visited by their lessees and that seem very neglected, and no one feels it is important to take the owners to task.

(622)
(634)

/118 cont./

423 The system which is basically ideal in theory, shows a great defect in its practical application insofar as not every male Tonga /119/ over 16 cultivates the leased plot of 8 1/4 acres assigned to him. A number of natives control larger piece of land (or several pieces) which they or their ancestors received as gifts from a Tongan sovereign or a nopele, (326)

[431] [425]

326. For example, as a reward for special services or in memory of a youthful friendship.

and which consists of their own api'uta and the api'uta taken over from another person (kinsman), (327)

327. Thus, for example, a man in 'Uiha/'Uiha cultivates his api'uta and that of his son who is employed by the government in Nuku'alofa; another man cultivates his api'uta and that of his father, which his five-year-old son is supposed to inherit, while his father in turn works the api'uta of his father. The second case, in particular, is not in the spirit of the law.

or that is land which has been additionally rented in a legal manner. (328)

[671] [425] [427]

328. Decrees issued in 1927 and 1934 gave the natives who relinquish their claim to a dwelling place in the village the possibility to lease 12 and 3/8 (or 15) acres of bushland for planting purposes at a reduced rent. With this the government wishes to induce natives to live on their plantations rather than in the village. However, only a relatively small number of natives have hitherto made use of this possibility.

Very many Tongans, however, --especially among the densely populated Ha'apai group--have either a smaller api'uta (of only two, three or four acres) or own none at all. The population density in the Archipelago, exclusive of the uninhabitable land, very probably

[161]

/119 cont./

[423] amounts to more than 200 individuals per square mile. The greatest [161] density is in the Ha'apai Islands. There, for example, if there [428] are three sons in a family, one of them (generally the oldest) usually inherits, after the death of his parents, the api'uta of his father (in addition to his api kolo) and the other two will often no longer be able to receive an api'uta of their own if they apply for [161] it. The Tongan population has grown very much in comparison with the past, and there is sufficient land available only on the large inhabited islands or on some uninhabited ones. (329)

[425] [427] [113]

329. In 1950, according to government documents, of the 188,975 acres available for distribution, only 78,345 had been given out (as api'uta to 8647 taxpayers and as lease lands to foreigners and Tongans). The remaining 110,630 acres were still available (minus the village and urban areas) (see Report of the Minister of Lands for the Year 1950 /cited in English/. Nuku'alofa 1951. p. 1).

These two sons can get their own api'uta of $8\frac{1}{4}$ acres on Tongatapu or 'Eua, for example. But usually people prefer to remain on their home island. (330)

[162] [425]

330. On the island of Nomuka, for example, among a total population of 567 souls, there are 69 men who have a right to an api'uta, but are unable to get it because all the land has been distributed; they are staying on Nomuka even though they would be able to receive their api'uta on Tongatapu, for example. While all land claims must still be provided for within the Archipelago, 4307 taxpayers in 1950 did not take over an api'uta for the aforementioned reasons (see Report of the Minister of Lands for the Year 1950. p. 2).

People are attached to their islands and their kinsmen, and they may [425] [241] also dislike to clear virgin land. Thus they stay in their villages,

/122 cont./

423 565 certain restriction on the properties of chiefs and above all on their power; every commoner feels free, and no one is anxious about his land, since the chiefs can no longer arbitrarily exert their power over the people. Nevertheless, since the Crown has ultimate right [182] [425] to all land and gives out part of it to the nopele as feudal tenure and to commoners as leased property, the basis of the old system seems [421] to have been upheld. Present-day land distribution can insure a 423 425 permanent settlement of the land and bodes well for the Tongans, to remain by and large a farming people, even though the system, which is good in theory, shows certain weaknesses in practice. With the [432] [671] legal prohibition to sell land, the present method of land distribution also gives the natives an invaluable protection against the land-aquiring interests of Europeans.

c)Administration of Justice.

69 178 A very considerable change took place in Tonga in the field of justice administration.

In ancient Tonga there was no government regulated jurisdiction. Judges, police, and prisons were unknown. A few offenses against [784] taboo rules were not punished by the hand of man, for people believed in punishment by supernatural forces. The various "cases" which came 692 565 681 up as a result of other offenses of Tongan customs and habits (especially in the existing noble-commoner relationship) were taken care of by the chiefs as they saw fit. In general, punishment was 681 meted out as soon as possible after the deed. The chief punishments were: beating (for example, with the palm of the hand on the naked back, with the fist on the head and face), tying (arms and legs for days), and execution (for example, striking with a club or drowning in the sea with a leaking boat). Influential chiefs seem at times [565] [692] to have acted as arbiters. (337)

/151 cont./

241 399. G. Forster, loc. cit. V. p. 150.

241 423 The Tongan today works the land granted him by the government (api'uta). (400)

400. See p. 172 ff.

The api'uta are scattered over the islands (or rather, the districts) with no special system, so that for example, a villager will have his land in the northern part of the island (or district) and his neighbor will have his in the south. For various reasons, not all [602] Tongans have received the 8¼ acres of plantation land to which they [427] are legally entitled; (401)

401. See p. 173 ff.

the size of the individual plantations varies, and some natives work along with relatives or cultivate land of fellow-villagers to whom they then give part of their harvest (for example, one-fourth) in 241 acknowledgment. Whereas in ancient Tongan times the chiefs exerted 256 authority, force and supervision over commoners who cultivated the 178 land that was granted them--especially for the benefit of their [423] lords--, nowadays the Tongan government is the supervisory authority. [565] By law, every owner of an api'uta must plant one-half of his land with coconut palms and raise food plants on the other half (among them plants of economic value), the kind and amount of which are specifically [622] determined. The "town officers" /cited in English/ see that these [634] stipulations are carried out--in accordance with the regulations of the "district officers" /cited in English/. (402)

402. Regulation No. 11 of 1948 demands, for example, that the owners of individual api'uta grow the following:

/153 cont./

241 way he has to walk from the village, he can no longer devote himself
178 to it as intensely as in the 18th century; secondly, many natives
461 seem to have lost their joy in the work of cultivation. This is the
[197] outcome of European influences, as a result of which much hand work has apparently become crude or has been lost altogether. The "liberation" of commoners from the domination of chiefs, as well as the realization that one is no longer completely dependent on cultivation, since flour, meat, sugar, etc. can be bought from the storekeeper on all the islands, may likewise have determined the present attitude toward plantation work.

241 The majority of Tongans consume their cultivated products by
[262] themselves, within their own families. At a request, or even on their
[431] own initiative, they will sometimes give of their yield--especially if there has been a good harvest--to other villagers (not only kinfolk),
241 as in old times. On the small islands they do not, as a rule, sell
438 their produce to fellow-villagers, and in the villages of the larger
184 islands, only occasionally. In the larger towns of Nuku'alofa, Neiafu
432 and Pangai, however, some Tongans sell their tubers, etc. to their countrymen who have no plantings or only small ones (for example, government and business officials); some natives on the larger islands have even started planned cultivation for such purposes (for
241 example, "yam farms"). The handing-over of produce to chiefs, which
565 in ancient Tonga was taken for granted, has been given up almost
178 entirely and has been superseded by the annual payment for the lease
427 of land; a native but only seldom on special occasions, will a
651 native bring the chief of his district a gift of select tubers. The
431 old, larger harvest festival (inasi), the offering of first fruits
241 to the gods, (406)
796
198

406. See E. Gifford, Tongan Society / cited in English/ pp. 76, 345.

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311 suggested that a balance between land and sea resources is generally
161 the determining factor (Maude 1965, p. 63).

166 Although it is in close proximity to Tongatapu, in-migration to 'Eua has only recently been of significance. Interviews with residents of 'Eua suggested two reasons for this relative neglect. Passage to 'Eua is often dangerous, owing to the reef which surrounds the island. In addition, there is a marked lack of seafood available to the settlers on 'Eua. However, with the lack of land and the increasing population pressure on Tongatapu, coupled with the availability of land on 'Eua, in-migration is expected to steadily increase.

161 Population density, in relation to tillable land, is often
423 determined by the degree of willingness on the part of Tongan
311 nobles, to lease their holdings. In eastern and southeastern
427 Tongatapu, large tracts of land lie idle or are used only minimally. However, in other portions of the nation, where landowners have been willing to lease, distribution is concentrated and densities are much higher.

311 Table 8 includes population density statistics for the
[161] major districts of the nation. For purposes of discussion, population density can be considered at three levels: (1) uninhabited land, (2) areas of low density, and (3) areas of high density.

Uninhabited areas of the Kingdom are usually those lands which are either unsuitable for cultivation or restricted from cultivation by members of the nobility. The majority of the volcanic formations in the western Tonga chain are included within

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CHAPTER IV

LAND TENURE

423 The Tongan land tenure system originated in 1852, following the conclusion of the civil war period of 1799 to 1852. It was at this time that Tupou I proclaimed himself to be ruler of all Tonga, and issued the two proclamations which laid the foundation for land tenure. Maude summarized these two proclamations as: (1) "No person has any title to lands in the islands except by grant from the government," and (2) "It shall not be lawful for any chief or people in Tonga (Tongatapu), Haabai (Ha'apai), or Vava'u to sell a portion of land to strangers" (Maude 1965, p. 62). Although the [432] [427] [609] sale of land to foreigners was thus prohibited, leasing was permitted under government supervision, thereby satisfying the requests for land by Europeans (i.e., missions, traders, and refueling facilities).

423 565 The Tongan nobility received the first land divisions, from Tupou I, in the form of estates. This land was to be leased, 423 in turn, to people residing in the vicinity of each noble. Thus, 427 the leasing system probably began shortly after these estates were granted, in the 1850s, and has remained intact to this day.

[651] The first significant step toward formal clarification of the land tenure system appeared in the code of 1862, with the

423 requirement that all foreign leaseholders pay rent to the Crown.
[427] In addition, non-ownership of land was extended to Tongans, as
[651] well as foreign residents. The code also borrowed from the earlier Vava'u Code of 1839 the concept that people are entitled to farmland, and that so long as tribute is paid, they cannot be dispossessed.

The legal basis for this system was supplied by the Constitution of 1875. Though revisions to the system have been made, most notably in the Land Act of 1927, the fundamental provisions of the 1875 Constitution, pertaining to land, have remained virtually unchanged. All land remains the possession of the King,
423 who can grant estates to nobles. Nobles, in turn, lease parcels
425 of land to individuals residing within the respective districts, as
[643] is needed. Land cannot be sold to Europeans or Tongans, and only
[565] leases approved by the government are recognized (Pacific Islands,
[427] Vol. III, 1944, p. 58).

This system was further developed between 1875 and 1900, the most notable modification being the regulation by the Crown of all land rents (i.e., taxes), allotments, and evictions, initiated
423 in 1890. This legally limited the traditional power of the Tongan
425 chiefs and nobles. In addition, the nobles could not refuse land to
565 any person in their district. In other words, the government had
423 successfully solidified and reserved for itself, ultimate control over all land.

423 Under the 1890 provisions, Tongan males, upon reaching the
425 age of 16, were recognized as being entitled to apply for a land

423 allotment. Two types of allotments were granted. The 'api tukuhau,
[425 or rural allotment, was 100 fathoms square or approximately eight and one-quarter acres. The 'api kolo, or town allotment, measured 22 fathoms square (132 yards square) and was designed for use as a dwelling and garden site. Portions of Tongatapu and Ha'apai were subdivided into units 50 fathoms square, to allow for
423 greater population density in select areas. In addition, the 1890
427 provisions made land liable to forfeiture if rents or taxes were
651 not paid for three successive years. Annual rates of tax equaled
[685 eight shillings per 'api tukuhau. Smaller allotments were assessed a proportionate rent, while no rent was paid for the 'api kolo.

423 In 1915, a minor regulation was added to the 1890 provi-
425 sions, whereby the government was required to notify the nobility
565 prior to making allotments from their estates.

423 The 1927 Land Act consolidated the existing laws and is the legal instrument currently consulted for clarification of land
[425 policies. This act also included provisions for granting a rural allotment of 12 3/8 acres to any applicant willing to forfeit his town site. This modification was probably designed to encourage more even distribution of population, plus increase agricultural
423 production. In 1934, the size of this allotment was increased to
425 15 acres, due to the lack of interest in the 12 3/8 acres. The 15 acres were comprised of a standard 8.25 acre rural allotment and a town site of 1.75 acres. In addition, an optional five more acres
423 could be leased for 50 years, at a minimal rate. Employees of the Tongan Ministry of Lands, as well as village residents, indicate that

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allotments are unclaimed, or the surveying for allotments has not kept pace with demand.

Acquiring a vacant parcel of land is also complicated by tradition and the power of the estate holder, as was mentioned previously. A noble may delay the registration of the leased allotment with the Ministry of Lands, thereby enabling him to extract favors and gifts from those using his estate. Several farmers in Vava'u, responding to interview questions, reported having agreed to lease land from a particular noble, and after paying the customary favor, discovered that the land was already leased. Many estate holders are reluctant to relinquish their powerful position. Subsequently, the allotments which were listed in the 1958 national survey as being available have been only slowly distributed.

The Tongan law requires a yearly payment of 80 cents to the government or estate holder, by each farmer (Report of the Ministry of Lands and Survey 1973, p. 3). However, investigation indicated that many rents are far in excess of this requirement. Frequently, farmers estimated their yearly rent to be more than ten dollars. In many cases, rents are paid with gifts of food, such as pigs or yams, or other material items, which are valued at more than 80 cents, and make an accurate estimate of an average tax rate difficult to determine (Clark 1974).

This situation may, in part, explain the widespread failure by farmers to pay rent as required. Table 12 lists 1,241 allotment holders, throughout the Kingdom, who have failed to pay rent, and this delinquency continues to grow. Note that in 1971, only 1,034

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423 TABLE 12.--Nonpayment of Rents by Lease Holders: 1971 and 1972.

427 685

	1971	1972	Increase or Decrease in Numbers
Tongatapu and 'Eua	216	386	+ 170
Ha'apai	65	539	+ 474
Vava'u	691	225	- 466
Niuatoputapu	62	91	+ 29

SOURCE: Report of the Ministry of Lands and Survey 1973 (Nuku'alofa: Government Printer), p. 3.

allotment holders were listed as delinquent in rents (Report of the Ministry of Lands and Survey 1973, p. 3). Several interviewees indicated that they had no intention of paying rent under the present system of collection. Since the regulation permitting eviction after three years of delinquent rent is not strictly enforced, the number of delinquent landholders is expected to increase.

423 The 1966 census reported that only 42 percent of Tongan taxpayers had a tax allotment, the distribution of this percentage being 39 percent among the larger Tongatapu population, 46 percent on Vava'u and 48 percent on Ha'apai (Fiefia 1968, p. 30). This variation in distribution appears to be related to the uneven distribution of population, the resulting uneven demand for allotments, and the fact that each year there are more taxpayers than available

423 allotments. A temporary solution, as indicated by interview
427 responses, involves subleasing from friends or relatives. This
[425]

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423 subleasing is common throughout the islands, and most frequently,
427 payment is in a traditional means, such as an occasional basket of taro or yams, or on a special occasion, a small pig.

511 Upon initial inspection, the information presented thus
423 far suggests a land shortage in the Kingdom. However, this interpretation is not necessarily valid. When confronted by statistics showing less than one-half of the Tongan taxpayers possessing allotments, several qualifications must be recognized. Misallocation and maldistribution of land certainly exists. However, none of the interviewed population, even in the squatters section of the
511 capital, appeared to be critically short of food. In cases where
426 land is totally unavailable for household cultivation of vegetables,
431 it is traditional to borrow or receive subsistence foodstuffs from
511 neighbors, friends, or relatives. In this way even the totally landless Tongans benefit from garden produce. (Food quality does vary within the Tongan popualtion, and this will be discussed further within a later chapter.)

241 Borrowing land for cash cropping or purposes other than
434 subsistence food production is rare. In very few interviews with
[423] landless Tongans did the sale of cash crops contribute to the
[425] income of the household, and this fact was often reflected signifi-
511 cantly in the income of the landless family. However, landlessness
434 should not be considered synonymous with poverty in Tonga. Land-
431 less households, though enjoying less agricultural cash income, often receive income from more fortunate relatives, in the form of gifts. (While the most frequent extra-subsidiary expense

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434 encountered in survey responses was church contribution, the second
431 most frequent expense was cash gifts to relatives.) In addition,
434 landless households may receive cash from relatives working overseas, most frequently in New Zealand, though also in Australia, Samoa and Hawaii. In a few cases, landless households receive as much or more income from overseas sources than the total income of a landholding Tongan.

241 Additional alternatives open to landless Tongans include a
427 variety of sharecropping arrangements, the most common being an agreement to harvest a prearranged quantity of produce, for which no return to the landowner is made. A modification of this is the harvesting of the entire crop by the landless family, and sharing the profits, half and half, with the landowner.

423 Still another alternative enabling landless households to
427 obtain land is the paying for such through an unofficial rent system.
685 The renting or leasing of land under this arrangement is, strictly speaking, illegal. However, use of land is often granted in exchange for gifts of vegetables, pigs, labor or even small amounts of cash paid to the landowner.

423 The landless element in Tonga is rapidly growing, and undoubtedly will become a major social and economic issue in the Kingdom's future. However, at present, significant or widespread social unrest related to the issue of land tenure is not evident.
423 Of those interviewed, 21 percent believed the present land tenure
829 system to be unsatisfactory, due to the lack of sufficient land. This opinion was not restricted to landless households, but was

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241 only basic agricultural tools, such as a bush knife, hoe, planting
[412] stick, and spade (Plate 10).[A] Beyond these, little else is used
[407] for cultivation. Of all landholding Tongans surveyed, only 16
[426] percent used a plow or tractor and, in each case, the implement
[427] was either rented or borrowed.

407 The maintenance of agricultural machinery, in terms of effi-
ciency and materials (i.e., fuel, parts, and lubricants), severely
407 limits the possibility of increased use within Tonga. Interviews
493 within the Tongan Department of Agriculture indicated that this
problem reaches every level of agricultural operation, from trucks
493 to garden tilling machinery. For example, a large truck was cited
as having not been used for over 18 months, because of a broken
transmission gear. The required part, ordered from Japan, had not
398 yet arrived and no one knew if it ever would. In the interim, no
attempt to make the part, in one of the local blacksmith shops, had
493 been made. It was confidentially learned that, should the part
arrive, the truck would remain largely inoperative because of another
damaged gear which was not totally broken and, therefore, not
398 replaced. Other examples of this situation were noted, emphasizing
the serious lack of basic mechanical service.

241 When workable machinery is available for rent, the cost is
427 often prohibitive to the average farmer. Informants also complained
[557] that rental machinery is allocated on the basis of social standing
241 and status, rather than need. Thus, the majority of planting, cul-
tivation, and harvesting on Tonga remains the work of hands, and is
expected to remain so.

[A] [Due to poor quality of original reproduction, plate has not been marked for a Category— Analyst.]

largest markets are Nuku'alofa in Tongatapu, Pangai in Ha'apai, and Neiafu in Vava'u. Such markets cater to two principal groups, although many people travel to market to buy, sell, or socialize. Those members of the non-Tongan population who do not lease land, such as church facilities, and must purchase market food, represent one group. Though not large in comparison to the Tongan population, this group does contribute a significant cash input to the local economy. The second group consists of landless Tongans and those Tongans who do not farm or garden intensively and derive cash income from other means.

Producers, or members of their families, most frequently sell directly to the consumer. Saturday is market day (although the major markets carry some business throughout the week, except Sunday) and the market area becomes the center of urban activity. Individuals having produce to sell may rent one of several types of stalls or floor space, upon which to display their produce. The staple foods (i.e., tubers, coconuts, and bananas) are the major items sold, although other types of food produce and miscellaneous items, such as shells, carvings, and handicrafts, are also available. Marketing hours generally are from 8:00 A.M. to 5:00 P.M., with the busiest time being in the forenoon and early afternoon.

Personal observations, plus discussions with sellers, revealed several marketing patterns. A few farmers or craftsmen sell each day or week on a regular basis, and generally have rented stalls which can be locked at the end of each day. Rental for these is on a monthly basis, and costs the producer eight dollars per month.